

FREEDOM COURT REPORTING

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<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 FOR THE MIDDLE DISTRICT OF ALABAMA</p> <p>3 SOUTHERN DIVISION</p> <p>4</p> <p>5</p> <p>6 NANCY MARTIN and</p> <p>7 MARY BETH BRACKIN,</p> <p>8 Plaintiffs,</p> <p>9 vs. CASE NO. 1:05-CV-1172-MEF</p> <p>10 CITY OF DOTHAN and</p> <p>11 JUDGE ROSE EVANS-GORDON,</p> <p>12 Defendants.</p> <p>13</p> <p>14 *****</p> <p>15 DEPOSITION OF MARY ELIZABETH BRACKIN, taken</p> <p>16 pursuant to stipulation and agreement before Sherry</p> <p>17 McCaskey, Court Reporter and Commissioner for the</p> <p>18 State of Alabama at Large, in the Dothan Civic</p> <p>19 Center, 126 N. Andrews Street, Dothan, Alabama, on</p> <p>20 Wednesday, October 10, 2007, commencing at</p> <p>21 approximately 8:40 a.m.</p> <p>22 *****</p> <p>23</p>	<p>1 STIPULATIONS</p> <p>2 It is hereby stipulated and agreed by and</p> <p>3 between counsel representing the parties that the</p> <p>4 deposition of MARY ELIZABETH BRACKIN is taken</p> <p>5 pursuant to the Federal Rules of Civil Procedure and</p> <p>6 that said deposition may be taken before Sherry</p> <p>7 McCaskey, Certified Court Reporter and Commissioner</p> <p>8 for the State of Alabama at Large, without the</p> <p>9 formality of a commission; that objections to</p> <p>10 questions other than objections as to the form of</p> <p>11 the questions need not be made at this time but may</p> <p>12 be reserved for a ruling at such time as the</p> <p>13 deposition may be offered in evidence or used for</p> <p>14 any other purpose as provided for by the Federal</p> <p>15 Rules of Civil Procedure.</p> <p>16 It is further stipulated and agreed by and</p> <p>17 between counsel representing the parties in this</p> <p>18 case that said deposition may be introduced at the</p> <p>19 trial of this case or used in any manner by either</p> <p>20 party hereto provided for by the Federal Rules of</p> <p>21 Civil Procedure.</p> <p>22 *****</p> <p>23</p>
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<p>1 APPEARANCES</p> <p>2 FOR THE PLAINTIFFS:</p> <p>3 ISHMAEL JAFFREE, ESQUIRE</p> <p>4 Jaffree Law</p> <p>5 951 Government Street</p> <p>6 Suite 415</p> <p>7 Mobile, Alabama 36604</p> <p>8 FOR THE DEFENDANTS:</p> <p>9 CAROL SUE NELSON, ESQUIRE</p> <p>10 Maynard, Cooper & Gayle</p> <p>11 Attorneys at Law</p> <p>12 2400 Amsouth/Harbert Plaza</p> <p>13 1901 Sixth Avenue North</p> <p>14 Birmingham, Alabama 35203</p> <p>15 ALSO PRESENT:</p> <p>16 Judge Rose Evans-Gordon</p> <p>17 Ms. Michelle Sellers</p> <p>18 *****</p> <p>19 EXAMINATION INDEX</p> <p>20 MARY ELIZABETH BRACKIN</p> <p>21 BY MS. NELSON 4</p> <p>22 BY MR. JAFFREE 314</p> <p>23 BY MS. NELSON 356</p> <p>BY MR. JAFFREE 373</p> <p>BY MS. NELSON 379</p> <p>BY MR. JAFFREE 381</p> <p>BY MS. NELSON 382</p> <p>BY MR. JAFFREE 383</p>	<p>1 (Witness waived right to read and</p> <p>2 sign.)</p> <p>3 MARY ELIZABETH BRACKIN</p> <p>4 The witness, having first been duly sworn to</p> <p>5 speak the truth, the whole truth and nothing but the</p> <p>6 truth, testified as follows:</p> <p>7 EXAMINATION</p> <p>8 BY MS. NELSON:</p> <p>9 Q. Ms. Brackin, we met earlier off the Record,</p> <p>10 but my name is Carol Sue Nelson. I'm attorney</p> <p>11 for the City of Dothan and also for Judge</p> <p>12 Rose-Gordon. I'm going to be asking you some</p> <p>13 questions today about your claims against the</p> <p>14 judge and the City.</p> <p>15 If you do not understand me, please let me</p> <p>16 know. I'll be glad to rephrase. Otherwise,</p> <p>17 I'll assume that you do understand and are</p> <p>18 answering truthfully.</p> <p>19 Is that understood?</p> <p>20 A. Yes.</p> <p>21 Q. And we're both nodding our heads, but just</p> <p>22 because the court reporter has to take</p> <p>23 everything we say down, you need to speak up</p>

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<p>1 and answer as opposed to nodding or shaking 2 your head. Or even an uh-huh or huh-uh is 3 sometimes not intelligible on the Record. So 4 if you can say yes or no, I think we'll 5 understand each other. 6 Is that okay? 7 A. Yes. 8 Q. If you need to take a break, just let me 9 know. We'll, you know, probably take most of 10 the day today, but we'll take a break for 11 lunch for sure. But otherwise, if you need to 12 take a break, just let me know. 13 But if there's a question on the table, 14 meaning if I've posed you a question, I'd like 15 for you to answer before we take that break. 16 A. Sure. 17 Q. I'd also like to just, you know, remind 18 everybody here, and for the Record, that, you 19 know, there's a Protective Order in this case 20 by the judge of the court that we are not to 21 release or discuss any documents regarding any 22 personnel files or personnel matters or people 23 that we talk about. And that's to any person</p>	<p>1 you reviewed to prepare or your tax returns. 2 So let's just kind of take them -- did you 3 bring any documents with you today? 4 A. Yes. 5 Q. Okay. And do you have them with you, or does 6 your attorney have them? 7 A. I have them. 8 Q. And, again, any and all documents provided to 9 you by either the City or Judge Gordon, do you 10 have any of those documents with you? 11 A. The documents that I have are letters that 12 were -- or evaluations -- the copies of 13 evaluations that I made for myself. 14 MR. JAFFREE: Did you make me copies 15 of those documents? 16 THE WITNESS: I didn't get to make 17 copies of these. 18 MS. NELSON: Maybe at a break we can 19 get you copies of all of them. 20 If it's something I have a copy 21 of, I may -- 22 A. Yeah. This should be in my personnel file. 23 Q. May be in your personnel file.</p>
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<p>1 not a party to this case. And that's under 2 sanction of Court, so I just wanted to remind 3 us all about that. 4 Also, I'm going to be showing you some 5 exhibits, and I'm going to mark Exhibit 1 here 6 today, which is the document that I sent to 7 your lawyer asking you to be here today. 8 (Defendants' Exhibit 1 was marked 9 for identification.) 10 Q. We've had some difficulty scheduling this, and 11 through no one's fault. I'm not saying that. 12 I don't know if you've seen this particular 13 document, but it's a notice of your 14 deposition. 15 Have you seen this or something similar to 16 this? 17 A. Yes. 18 Q. Okay. And when I asked for you to be here 19 today, I also asked you if there were any 20 documents that you had in your possession that 21 you retained, that either were given to you by 22 the City of Dothan or Judge Gordon, or any 23 documents that might support your case or that</p>	<p>1 A. Right. And then a letter dated November 5th, 2 2001. 3 Q. From whom is that? 4 A. From Judge Gordon. 5 Q. Would that be in your personnel file? 6 A. I don't know. I'm -- it should be. But I'm 7 not -- I don't know what's in my personnel 8 file. 9 MR. JAFFREE: Did she give you that 10 letter with coffee stains? 11 THE WITNESS: I don't know. 12 MR. JAFFREE: I don't know what kind 13 of stain that is. 14 THE WITNESS: I don't know. 15 Q. Okay. Anything else? 16 A. And then just copies of where I was served 17 with hearing notice. 18 Q. Regarding your discipline or termination? 19 A. Yes, ma'am. And that should be in my 20 personnel file. That is that. That is just 21 my administrative leave memo that -- 22 Q. You were placed on leave? 23 A. -- was given to me.</p>

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<p>1 Q. Okay. I may come back and ask you about 2 these. 3 A. Okay. 4 Q. I'm just trying to get a handle on what -- 5 A. And then my termination. And then another 6 copy where it was dated March 22nd of '04. 7 Q. This involves a claim of false arrest by 8 Theron Fondren? 9 A. Yes. 10 Q. Okay. And the other letters from the judge -- 11 I'll ask you about and identify more 12 completely for the Record -- was in November 13 of 2001, involved remarks made in the presence 14 of a bondsman -- 15 A. Right. 16 Q. -- during the course of a defendant with an 17 appeal bond. Was this the -- I may not be 18 pronouncing it right. Was the Ralpeje 19 matter? Does that name mean anything to you? 20 A. It does. But I mean, I'm not sure if that was 21 the exact name for this. But -- 22 Q. Thank you. 23 A. And then this was dated December 30th of '99.</p>	<p>1 A. Yeah. That's just to write down my personal 2 stuff. This -- now, I did make copies of the 3 notes that I had taken on pieces of paper that 4 I had that I've made copies for you already. 5 But this is just one copy. 6 Q. And this is my copy -- 7 A. Yes, ma'am. 8 Q. -- of the handwritten notes? 9 A. And then this is the copy of -- some of my tax 10 forms, because we have moved since then, so -- 11 but I have already requested those that are 12 missing. I've got 2000 and -- State of '03; 13 2005, a 1040, 2006 1040 and State. But the 14 others I have requested copies of. 15 Q. I just ask that you provide that to me when 16 you get them. 17 A. Yeah. It's going to take a couple of weeks I 18 think. 19 Q. And any other documents that you would have 20 that would support your case or that you've 21 reviewed to prepare for today? 22 A. This is just a copy of my transcript hearing 23 that I had back in '05. I don't --</p>
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<p>1 That is in my file. I don't know if that's in 2 my personnel file. That's something from 3 Captain Jim Smith when he was employed with 4 the Dothan Police Department when I was still 5 working with them whenever I applied for a 6 position. 7 Q. Okay. 8 A. I don't know. That may be in my personnel 9 file. 10 Q. Yeah. I'll ask you more about that, and I may 11 need to get copies. 12 A. And I've got -- 13 Q. Before we do that, then do you have any other 14 -- then I asked you for any notes, diaries, 15 calendars? 16 A. I don't have a diary. 17 Q. Anything like that. You've got a -- I don't 18 know if that's a checkbook or calendar out 19 there. Does that have anything to do with 20 this case or is that -- you were just 21 looking -- 22 A. No. This is just my -- to write down -- 23 Q. 2007?</p>	<p>1 Q. That was your transcript hearing from your 2 Personnel Board hearing -- 3 A. Yes, ma'am. 4 Q. -- following your termination? 5 A. I know the City has a copy of that. So I'm 6 not sure -- 7 Q. Can I just flip through it? 8 A. Sure. 9 Q. And just kind of refresh myself what -- 10 MR. JAFFREE: Do you have any notes 11 in there? 12 THE WITNESS: There's some notes 13 written on my transcript from 14 me. 15 MS. NELSON: Well, I just -- 16 MR. JAFFREE: I mean, the City has a 17 copy of that. 18 MS. NELSON: Well, I'm just 19 checking. 20 Q. I'm not looking at your notes. 21 A. I just put it in a binder because it's -- 22 since it was so thick. 23 Q. Okay.</p>

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<p style="text-align: right;">Page 13</p> <p>1 A. And then this is just a tablet for me to write</p> <p>2 on today if I need it.</p> <p>3 Q. The other notes you have there, is that</p> <p>4 what --</p> <p>5 A. This is -- this is those copies.</p> <p>6 Q. That you made copies?</p> <p>7 A. Right. That's this right here (indicating).</p> <p>8 MS. NELSON: We can go off a minute.</p> <p>9 Q. Just a few more preliminaries, Ms. Brackin.</p> <p>10 Well, first of all, will you state your full</p> <p>11 name for the Record, please?</p> <p>12 A. Mary Elizabeth Brackin.</p> <p>13 Q. You know, again, I stated I'm going to be</p> <p>14 asking you questions about your claims against</p> <p>15 the City.</p> <p>16 Are you currently under any type of</p> <p>17 medication or any other substance that would</p> <p>18 prevent you from answering my questions</p> <p>19 truthfully?</p> <p>20 A. No, ma'am.</p> <p>21 Q. Or from preventing you from understanding my</p> <p>22 questions?</p> <p>23 A. No, ma'am.</p>	<p style="text-align: right;">Page 15</p> <p>1 A. [REDACTED]</p> <p>2 Q. And do you have an Alabama driver's license?</p> <p>3 A. Yes, ma'am.</p> <p>4 Q. Do you know what number that is?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. Give me that.</p> <p>7 A. 5144702.</p> <p>8 Q. And what is your current address?</p> <p>9 A. 695 Sandstone Drive, Dothan, Alabama, 36303.</p> <p>10 Q. And how long have you lived there?</p> <p>11 A. Approximately one year.</p> <p>12 Q. And where did you live prior to that?</p> <p>13 A. We lived at 105 Cricket Court, same city and</p> <p>14 zip. And we lived there for approximately two</p> <p>15 years.</p> <p>16 Q. When you say "we," are you married?</p> <p>17 A. Oh, I'm -- yes. I'm sorry.</p> <p>18 Q. And what is your husband's name?</p> <p>19 A. Joseph Allen Houston Brackin.</p> <p>20 Q. And how long have you been married to him?</p> <p>21 A. Nineteen-plus years.</p> <p>22 Q. Have you been married to anyone besides him?</p> <p>23 A. Yes.</p>
<p style="text-align: right;">Page 14</p> <p>1 Q. Are you under -- currently under the care of a</p> <p>2 doctor?</p> <p>3 A. Not other than just the annual checkups that</p> <p>4 women receive.</p> <p>5 Q. When you say -- kind of like your OB/GYN?</p> <p>6 A. Yes, ma'am.</p> <p>7 Q. Are you on any prescription medications?</p> <p>8 A. Yes.</p> <p>9 Q. Can you tell me what those are?</p> <p>10 A. Effexor.</p> <p>11 MR. JAFFREE: Let me object to that.</p> <p>12 I'm not sure what, if anything,</p> <p>13 has to do with your defense.</p> <p>14 But just for the Record, I</p> <p>15 object.</p> <p>16 You can go ahead and</p> <p>17 answer.</p> <p>18 Q. Go ahead.</p> <p>19 A. Effexor.</p> <p>20 Q. And will you give me your Social Security</p> <p>21 number, please?</p> <p>22 A. [REDACTED]</p> <p>23 Q. And your date of birth?</p>	<p style="text-align: right;">Page 16</p> <p>1 Q. And who were you married to prior to that?</p> <p>2 A. Ronnie Allen Monday.</p> <p>3 Q. And how long were you married to him?</p> <p>4 A. Approximately one year. Maybe a year and a</p> <p>5 few months.</p> <p>6 Q. Any other marriages?</p> <p>7 A. No, ma'am.</p> <p>8 Q. Do you have any children?</p> <p>9 A. Yes, I do.</p> <p>10 Q. And how many children do you have?</p> <p>11 A. Two.</p> <p>12 Q. And what ages are they? Just give me their</p> <p>13 names and ages.</p> <p>14 A. Michael, he's 21, and Matthew is 13.</p> <p>15 Q. Do they live with you?</p> <p>16 A. Matthew does.</p> <p>17 Q. And Michael's father is?</p> <p>18 A. Ronnie Allen Monday.</p> <p>19 Q. And Matthew's father is?</p> <p>20 A. Joseph Brackin.</p> <p>21 Q. And Mr. Monday, does he still live in the</p> <p>22 city?</p> <p>23 A. Yes.</p>

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<p>1 Q. Is he employed?</p> <p>2 A. I'm -- I'm not sure. I don't have much -- I</p> <p>3 don't have any contact with him.</p> <p>4 Q. And Mr. Brackin, is he employed?</p> <p>5 A. Yes, he is.</p> <p>6 Q. And where does he work?</p> <p>7 A. City of Dothan.</p> <p>8 Q. What does he do?</p> <p>9 A. He is a firefighter.</p> <p>10 Q. Firefighter?</p> <p>11 A. Yes, ma'am.</p> <p>12 Q. And how long has he been with the City of</p> <p>13 Dothan?</p> <p>14 A. Since August of '86. I believe that's right.</p> <p>15 Q. Do you have any other relatives that live in</p> <p>16 the city of Dothan or the southern part of</p> <p>17 Alabama?</p> <p>18 A. (Nods head in the affirmative.)</p> <p>19 Q. How many? You're shaking your head yeah.</p> <p>20 A. I have a huge family.</p> <p>21 Q. The reason I ask, this is a -- you've asked</p> <p>22 for a jury trial.</p> <p>23 A. Right. Right.</p>	<p>1 A. She is. She works at Budget cuts and also</p> <p>2 Cloverdale United Methodist Church.</p> <p>3 Q. In Montgomery?</p> <p>4 A. No. In Dothan.</p> <p>5 Q. That's in Dothan?</p> <p>6 A. Montgomery has one, too.</p> <p>7 Q. And do you have another sister?</p> <p>8 A. Yeah. Debbie Batchelor.</p> <p>9 Q. Is she employed?</p> <p>10 A. Dothan Country Club in the golf shop.</p> <p>11 Q. Did you say you have a brother?</p> <p>12 A. I have a brother, Charles Sizemore, and he's</p> <p>13 employed with Swedish Match.</p> <p>14 Q. And what is that?</p> <p>15 A. It's a cigar manufacturing company.</p> <p>16 Q. And you say -- I take it you've got cousins,</p> <p>17 aunts, uncles?</p> <p>18 A. I've got several nieces and nephews, great</p> <p>19 nieces, nephews.</p> <p>20 Q. Anybody over the age of probably 18 or 19?</p> <p>21 A. Oh, gosh. Yeah. Let's see.</p> <p>22 Q. What I may ask you to do, if you could make a</p> <p>23 list --</p>
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<p>1 Q. And I'm entitled to know --</p> <p>2 A. I have --</p> <p>3 Q. -- relatives, so I'm trying to just --</p> <p>4 A. Yes.</p> <p>5 Q. Without being here all day --</p> <p>6 A. I have three sisters and one brother that live</p> <p>7 in Dothan.</p> <p>8 Q. Are your parents living?</p> <p>9 A. Just my mother. And my mother lives -- lives</p> <p>10 here in Dothan, too.</p> <p>11 Q. What's your mother's name?</p> <p>12 A. Nell McKay Sizemore.</p> <p>13 Q. Your father is deceased?</p> <p>14 A. Yes, he is.</p> <p>15 Q. And your sisters are?</p> <p>16 A. Linda Collins.</p> <p>17 Q. Where is she employed?</p> <p>18 A. She's self-employed.</p> <p>19 Q. With?</p> <p>20 A. She does house cleaning.</p> <p>21 Q. Okay. And your other sister?</p> <p>22 A. Mona Moore.</p> <p>23 Q. Is she employed?</p>	<p>1 A. If I could make a list of them. And that</p> <p>2 way -- because there are several.</p> <p>3 Q. Yeah. If you could make a list for me and</p> <p>4 provide it to your attorney, just their</p> <p>5 name -- by name, their relationship to you.</p> <p>6 And, again, I'm only looking for somebody over</p> <p>7 the age of 18, and just where they're</p> <p>8 employed, if they're employed. And I think I</p> <p>9 said how they are related to you.</p> <p>10 A. Okay.</p> <p>11 Q. For example, I take it, you've got</p> <p>12 brothers-in-law and sisters-in-law?</p> <p>13 A. In-laws included?</p> <p>14 Q. In-laws included. I just don't want to put</p> <p>15 your sister on the jury, you know.</p> <p>16 Have you ever been arrested for anything?</p> <p>17 A. No.</p> <p>18 Q. Ever been convicted of anything?</p> <p>19 A. Of a traffic ticket.</p> <p>20 Q. What kind of traffic ticket?</p> <p>21 A. Speeding.</p> <p>22 Q. Was that here in the city of Dothan?</p> <p>23 A. No, ma'am.</p>

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<p>1 Q. Where was that?</p> <p>2 A. Montgomery.</p> <p>3 Q. Have you ever filed for bankruptcy?</p> <p>4 A. No, ma'am.</p> <p>5 Q. Have you ever filed for unemployment</p> <p>6 compensation?</p> <p>7 A. Yes, ma'am.</p> <p>8 Q. And how many times have you done that?</p> <p>9 A. Let's see. Approximately three times in my</p> <p>10 course of years of employment.</p> <p>11 Q. Can you tell those?</p> <p>12 A. I'm not --</p> <p>13 Q. Which three times you remember, or roughly?</p> <p>14 A. Roughly, of course, would be May of '05 when I</p> <p>15 was discharged from the city of Dothan. And</p> <p>16 approximately -- it was back in either the</p> <p>17 late 80s or early 90s. I'm just not quite</p> <p>18 sure of the year. Whenever --</p> <p>19 Q. Before you started for Dothan?</p> <p>20 A. Yes. But you're talking since?</p> <p>21 Q. I'm talking about anytime.</p> <p>22 A. Oh, anytime. And then September of '07.</p> <p>23 Q. Which was just last month?</p>	<p>1 Club here in Dothan. It's a part of the</p> <p>2 Masonic organization.</p> <p>3 Q. Daughters of the Nile?</p> <p>4 A. Yes, ma'am.</p> <p>5 Q. And how long have you been a member of that?</p> <p>6 A. Couple of years.</p> <p>7 Q. I'm somewhat --</p> <p>8 A. Maybe more. I'm sorry.</p> <p>9 Q. -- familiar with the Masons, but is this like</p> <p>10 a group of women?</p> <p>11 A. Yes, ma'am, it is.</p> <p>12 Q. And what is your mission or purpose, or do you</p> <p>13 do fundraisers or what?</p> <p>14 A. Yes. We raise money for the Children's</p> <p>15 Hospital for the Shriners Hospital, that sort</p> <p>16 of thing.</p> <p>17 Q. Any other type of civic activities?</p> <p>18 A. No, ma'am.</p> <p>19 Q. Your children. I guess Michael is grown.</p> <p>20 Matthew, where does he go to school?</p> <p>21 A. Wicksburg High School.</p> <p>22 Q. And where is that? Is that a city?</p> <p>23 A. It is -- no, ma'am. It's a Dothan address,</p>
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<p>1 A. Yes, ma'am.</p> <p>2 Q. And, well, I'll ask you about that.</p> <p>3 Apparently, you went on to another job and</p> <p>4 then left that job. What job was that?</p> <p>5 MR. JAFFREE: Excuse me. Went on</p> <p>6 when?</p> <p>7 Q. From the city of Dothan?</p> <p>8 A. Yes.</p> <p>9 Q. I'll ask you more about that later.</p> <p>10 A. Okay.</p> <p>11 Q. Have you ever filed bankruptcy?</p> <p>12 A. No.</p> <p>13 Q. Has your husband ever filed bankruptcy?</p> <p>14 A. No.</p> <p>15 Q. Have you ever been in the military?</p> <p>16 A. No.</p> <p>17 Q. Have you ever been known by any other name</p> <p>18 than the name you've given me?</p> <p>19 A. Well, Mary Monday from a previous marriage,</p> <p>20 and then my maiden name is Sizemore.</p> <p>21 Q. Are you member of any type of social club or</p> <p>22 civic organization?</p> <p>23 A. I am a member of the Daughters of the Nile</p>	<p>1 but it's a county school. It's not a city</p> <p>2 school, but it's in Houston County.</p> <p>3 Q. Does he play ball or sports or anything?</p> <p>4 A. Yes.</p> <p>5 Q. Which sports does he play?</p> <p>6 A. Football. Are you talking about for the</p> <p>7 school?</p> <p>8 Q. Yeah.</p> <p>9 A. Or --</p> <p>10 Q. Just school.</p> <p>11 A. Okay. Well, he started this school year, so</p> <p>12 he doesn't play any right now.</p> <p>13 Q. Do you belong to a church?</p> <p>14 A. Yes, I do.</p> <p>15 Q. And what's the name of your church?</p> <p>16 A. Lafayette Street United Methodist Church.</p> <p>17 Q. And how long have you been going there?</p> <p>18 A. Since 1988.</p> <p>19 Q. Other than this lawsuit that you've filed</p> <p>20 against the city of Dothan and Judge Gordon,</p> <p>21 have you been involved as a named party or</p> <p>22 plaintiff in any other lawsuit?</p> <p>23 A. No, ma'am.</p>

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<p>1 MR. JAFFREE: Let me ask if you 2 could rephrase the question to 3 include lawsuits against the 4 city of Dothan because her 5 response is incorrect as given 6 since there was a administrative 7 lawsuit. 8 MS. NELSON: Well, I will follow up. 9 Q. You're talking about the appeals hearing or 10 the -- 11 A. Oh, yes. 12 THE WITNESS: Is that -- 13 MR. JAFFREE: Well -- 14 A. I'm not understanding the question. 15 Q. Well, I mean, I'm just talking about -- I'm 16 just asking best you understand, have you 17 ever -- you filed also an appeal hearing with 18 the City; is that correct? 19 A. Yes. 20 Q. And then did you -- you appeared before the 21 Personnel Board contesting your termination 22 from the city of Dothan; is that correct? 23 A. Correct.</p>	<p>1 Q. And the Personnel Board then upheld your 2 termination? 3 A. Yes. 4 Q. Is that correct? 5 A. Yes, they did. 6 Q. And did you take any further action in that 7 matter before the Personnel Board, up through 8 the Court of Civil Appeals, back down to Judge 9 White, and back to the Personnel Board? 10 Bottom line, your termination stood through 11 that process; is that correct? 12 You're looking at your lawyer. 13 A. Well, I'm just -- I guess -- 14 Q. You can answer me if you understand. 15 A. Okay. 16 Q. You filed with the Personnel Board -- 17 A. Correct. 18 Q. -- and contested your termination. The 19 Personnel Board upheld your termination; is 20 that correct? 21 A. Correct. 22 Q. You then filed a lawsuit or appealed that to 23 the Houston County Circuit Court?</p>
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<p>1 Q. And you've also filed an appeal to the Circuit 2 Court of Houston County; is that correct? 3 A. Yes, ma'am. 4 Q. And that went all the way up to the Court of 5 Civil Appeals; is that correct? 6 A. That's correct. 7 Q. And the Court of Civil Appeals ultimately 8 upheld your termination; is that correct? 9 Okay. 10 A. Well -- 11 Q. Well, strike that. You look puzzled. The 12 Court of Civil Appeals' decision, I noticed 13 you had that in your notebook. 14 Do you understand what they decided about 15 your case? 16 A. Yes. 17 Q. And what was that? 18 A. They overturned Judge White's decision from 19 the circuit court level and remanded it back 20 to the Personnel Board. 21 Q. And that's your understanding of that; is that 22 correct? 23 A. That's --</p>	<p>1 A. Correct. 2 Q. And Judge White was your judge? 3 A. Yes, he was. 4 Q. And what did you understand Judge White did? 5 A. Judge White overturned the personnel board's 6 decision and directed me back at my job and 7 back pay. 8 Q. And then Judge White's decision was appealed 9 to the Alabama Court of Civil Appeals; is that 10 correct? 11 A. Yes, ma'am. 12 Q. And I'm probably confusing this. And then the 13 Court of Civil Appeals overturned Judge White; 14 is that correct? 15 A. I believe that's correct. They -- they 16 remanded it back to the Personnel Board 17 because there were things in there that should 18 not have been considered in the beginning. So 19 they remanded it back to the Personnel Board 20 to -- to do -- to base it solely on this. 21 Q. And that was based on whether a certain 22 discipline had -- the underlying action had 23 occurred within a two-year period of your</p>

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<p style="text-align: right;">Page 29</p> <p>1 termination?</p> <p>2 I mean, do you understand what I'm talking</p> <p>3 about?</p> <p>4 A. Yeah.</p> <p>5 MR. JAFFREE: Well, you're asking</p> <p>6 her a legal conclusion. And the</p> <p>7 decision requires some</p> <p>8 sophistication that she may not</p> <p>9 can articulate.</p> <p>10 MS. NELSON: I'm just trying to get</p> <p>11 her understanding of it.</p> <p>12 Q. So it was remanded to the Personnel Board; is</p> <p>13 that correct?</p> <p>14 A. Yes.</p> <p>15 Q. And the Personnel Board upheld your</p> <p>16 termination; is that correct?</p> <p>17 A. Yes, that's correct.</p> <p>18 Q. So we've talked about that.</p> <p>19 A. Okay.</p> <p>20 Q. If you want to call it, that lawsuit. The</p> <p>21 current lawsuit that I'm asking you questions</p> <p>22 about that's in federal court --</p> <p>23 A. Correct.</p>	<p style="text-align: right;">Page 31</p> <p>1 A. No. No, I haven't. No. No, ma'am.</p> <p>2 Q. Has a member of your family been sued?</p> <p>3 A. Not to my knowledge. I don't -- I don't</p> <p>4 know. I mean, I can't speak for my -- my</p> <p>5 family. I don't know.</p> <p>6 Q. Well, I meant, your immediate family, your</p> <p>7 husband.</p> <p>8 A. I mean, not my husband. No.</p> <p>9 Q. Has your husband ever been a plaintiff in a</p> <p>10 lawsuit?</p> <p>11 A. No, ma'am, not to my knowledge.</p> <p>12 Q. Have you ever given testimony besides your</p> <p>13 Personnel Board hearing? Have you ever given</p> <p>14 testimony in a lawsuit?</p> <p>15 A. Lawsuit? No, ma'am.</p> <p>16 Q. Have you ever had your deposition taken like</p> <p>17 this before where a lawyer is asking you</p> <p>18 questions about a lawsuit?</p> <p>19 A. Other than my appeal hearing?</p> <p>20 Q. Yes, other than your appeal hearing.</p> <p>21 A. Other than that appeal hearing. No, not an</p> <p>22 attorney, no.</p> <p>23 Q. When you say "not an attorney," who --</p>
<p style="text-align: right;">Page 30</p> <p>1 Q. -- had you filed any other -- one other</p> <p>2 thing: You filed an EEOC charge against the</p> <p>3 city of Dothan?</p> <p>4 A. Yes.</p> <p>5 Q. Are you aware of that?</p> <p>6 A. Yes.</p> <p>7 Q. Besides --</p> <p>8 A. I'm sorry.</p> <p>9 Q. -- any of that, have you filed any other</p> <p>10 lawsuits where you were named a plaintiff or a</p> <p>11 named party?</p> <p>12 A. No.</p> <p>13 Q. Now, we've talked about your divorce. I mean,</p> <p>14 that was a legal procedure.</p> <p>15 A. Right. Yes. But when you --</p> <p>16 Q. No other lawsuits that you're aware of that</p> <p>17 you've been involved in?</p> <p>18 A. No, ma'am, not -- no, ma'am.</p> <p>19 Q. Have you ever been sued in a lawsuit where you</p> <p>20 were named a defendant?</p> <p>21 A. No.</p> <p>22 Q. Automobile wreck or traffic incident, anything</p> <p>23 like that?</p>	<p style="text-align: right;">Page 32</p> <p>1 A. Well, you were asking me if -- if an -- based</p> <p>2 on an attorney asked questions. So I said,</p> <p>3 no.</p> <p>4 Q. In a lawsuit?</p> <p>5 A. I'm just making sure that I'm understanding.</p> <p>6 Q. Well, have you ever given sworn testimony</p> <p>7 before?</p> <p>8 A. Yes.</p> <p>9 Q. And where have you done that?</p> <p>10 A. I was actually a -- in my magistrate capacity</p> <p>11 years ago when I issued a contempt complaint</p> <p>12 for the judge. But it was not Judge Gordon.</p> <p>13 I had to, you know, testify to that, that</p> <p>14 person did not show up in court. And I have</p> <p>15 sworn statements to the police department.</p> <p>16 Q. And those sworn statements would be regard to</p> <p>17 what?</p> <p>18 A. In regards to some internal investigations</p> <p>19 that were -- that -- that involved myself that</p> <p>20 I had to give. They asked me questions, and I</p> <p>21 gave them answers to that. But it was taped</p> <p>22 and --</p> <p>23 Q. Were you under oath; is that your</p>

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<p>1 understanding?</p> <p>2 A. I'm not sure if I was under oath. I do know</p> <p>3 that I had to sign documentation to the effect</p> <p>4 that, you know, if -- you know, if you lie or</p> <p>5 whatever, you know, that's an ethics violation</p> <p>6 to that sort or -- I'm not sure if I was</p> <p>7 placed under oath.</p> <p>8 Q. And this was done, you said, an internal</p> <p>9 investigation. Are you familiar with the</p> <p>10 Internal Affairs?</p> <p>11 A. Yes.</p> <p>12 Q. And Internal Affairs is a part of the police</p> <p>13 department?</p> <p>14 A. Of the Dothan Police Department.</p> <p>15 Q. And you've worked in the police department,</p> <p>16 haven't you?</p> <p>17 A. Yes.</p> <p>18 Q. What is your understanding of what Internal</p> <p>19 Affairs does?</p> <p>20 A. I did not work in that division, so I'm not</p> <p>21 sure as far as what their actual job duties</p> <p>22 are or when --</p> <p>23 Q. You're not --</p>	<p>1 it does have a Dothan mailing address.</p> <p>2 Q. And Rehobeth High, is that where you --</p> <p>3 Rehobeth High School?</p> <p>4 A. Yes.</p> <p>5 Q. And following your -- you graduated; is that</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. And following graduation, did you have an</p> <p>9 opportunity to take any other educational</p> <p>10 courses or whether college or vocational</p> <p>11 school or junior college or anything like</p> <p>12 that?</p> <p>13 A. Yes.</p> <p>14 Q. And where was that?</p> <p>15 A. I attended Riley Business College and their</p> <p>16 computer program.</p> <p>17 Q. And when was that?</p> <p>18 A. Approximately '88, '89.</p> <p>19 Q. Did you get a degree of any sort?</p> <p>20 A. Just a Certificate of Completion.</p> <p>21 Q. And then following Riley Business College, any</p> <p>22 other educational training?</p> <p>23 A. I was -- became a certified magistrate in June</p>
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<p>1 A. I was not affiliated with that section.</p> <p>2 Q. So you don't really know how they function?</p> <p>3 A. No, ma'am.</p> <p>4 Q. Or when they might do an investigation?</p> <p>5 A. No, ma'am.</p> <p>6 Q. I believe I asked you this: Have you ever</p> <p>7 filed an EEOC charge against anyone else</p> <p>8 besides the city of Dothan?</p> <p>9 A. No, ma'am.</p> <p>10 Q. Now, did you grow up in this area?</p> <p>11 A. Yes, I did.</p> <p>12 Q. Where were you born?</p> <p>13 A. Ft. Benning, Georgia.</p> <p>14 Q. And how long have you lived in the Dothan</p> <p>15 area?</p> <p>16 A. Approximately 35, 36 years.</p> <p>17 Q. Did you go to high school in this area?</p> <p>18 A. I did.</p> <p>19 Q. Where?</p> <p>20 A. Rehobeth High School.</p> <p>21 Q. And Rehobeth is where?</p> <p>22 A. It is -- it's Houston County. It's a county</p> <p>23 school. It's not inside the city limits, but</p>	<p>1 of '97.</p> <p>2 Q. And tell me what was involved in becoming a</p> <p>3 certified magistrate?</p> <p>4 A. You attended four orientations on a day basis</p> <p>5 up in Montgomery; and then after you completed</p> <p>6 those and a test was involved, then you would</p> <p>7 attend approximately four sessions at the</p> <p>8 University of Alabama in Tuscaloosa at their</p> <p>9 Continuing Education Building.</p> <p>10 Q. And how long did it take you to get this</p> <p>11 certification?</p> <p>12 A. You have to do it in three years. I started</p> <p>13 in May of '92, but I didn't actually start</p> <p>14 going to some classes until after that. But</p> <p>15 it's -- at that time, they actually -- I</p> <p>16 believe you had four years to complete it.</p> <p>17 I'm not sure. It's change.</p> <p>18 Q. And does the City require this, or is this a</p> <p>19 state law requirement?</p> <p>20 A. It is a state. I mean, it's -- it's four.</p> <p>21 You have to be a -- you have to be certified.</p> <p>22 Yes.</p> <p>23 Q. To hold the magistrate's position?</p>

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1 A. Yes. The capacity.
 2 **Q. And do you know who did the training?**
 3 A. Different -- we had judges. We had court
 4 clerks. We had Eric Locke who's a staff
 5 attorney at AOC.
 6 **Q. That's Administrative Office of Courts?**
 7 A. Yes, ma'am.
 8 **Q. Did you receive any type of materials or**
 9 **training materials or notebooks?**
 10 A. Yes.
 11 **Q. Do you still have those, or were they kept in**
 12 **the magistrate's office?**
 13 A. I don't -- I don't think I took -- I may have
 14 some, but it was just over previous years.
 15 **Q. Did the city of Dothan pay for that training?**
 16 A. Yes.
 17 **Q. And to your knowledge, are all the magistrates**
 18 **required to be certified?**
 19 A. To my knowledge.
 20 **Q. And other than that training, any other type**
 21 **of vocational, college, education?**
 22 A. Well, during my years with the City, they
 23 would send us to computer classes that would

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1 include Microsoft Word or Power Point, Excel,
 2 that sort of thing. But I don't recall the
 3 dates or exactly when those happened.
 4 **Q. Now, what was the first -- after you graduated**
 5 **from high school, what was the first**
 6 **full-time job that you held?**
 7 A. Let's see. Oh, I was employed with -- at
 8 time, it was called General Cigar Company, but
 9 it's now Swedish Match.
 10 **Q. That's where your brother-in-law works?**
 11 A. My brother.
 12 **Q. Or your brother. And what was your job there?**
 13 A. I don't -- I don't remember what my actual
 14 title was. I -- I worked in different areas.
 15 I worked, actually, in the final end of
 16 production, and then I was in an office
 17 setting.
 18 **Q. How long did you work there?**
 19 A. Approximately, maybe to '88 or '89. I'm not
 20 sure.
 21 **Q. When did you start?**
 22 A. I started, actually, full-time when I
 23 graduated high school, but I actually had

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1 worked there during the summer, between my
 2 junior and senior year in high school.
 3 **Q. And why did you leave there?**
 4 A. I got promoted -- well, it was a
 5 promotion-type position with Riley College in
 6 their accounting office.
 7 **Q. What was your job for Riley College?**
 8 A. I worked in accounts payable.
 9 **Q. Where is this located? Is this in Dothan?**
 10 A. Yes, ma'am. But they're no longer in
 11 business. It's -- it -- their main office was
 12 on Montgomery Highway.
 13 **Q. And why did you leave there?**
 14 A. I was laid off. They were cutting back due to
 15 the budget.
 16 **Q. Who was your supervisor?**
 17 A. Oh, goodness. I can't remember my initial
 18 supervisor that worked in the office with me.
 19 I know that Peggy Rice was over, like,
 20 the -- the administrative personnel.
 21 **Q. After you left Riley Business College, where**
 22 **did you go to work?**
 23 A. Automated Control Systems. It's an

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1 engineering company.
 2 **Q. And what was your job there?**
 3 A. Office manager.
 4 **Q. And how long did you work there?**
 5 A. Approximately, a year maybe. I'm not sure.
 6 **Q. And why did you leave there?**
 7 A. They were cutting back to part-time, and I
 8 needed full-time employment.
 9 **Q. Do you remember who your supervisor was there?**
 10 A. Gary McGowan.
 11 **Q. Did you ever work for a company called Whatley**
 12 **White?**
 13 A. Yes.
 14 **Q. What did they do?**
 15 A. It's a trucking company.
 16 **Q. And what was your job there?**
 17 A. Accounts payable, I believe.
 18 **Q. And do you remember who your supervisor was?**
 19 A. Melissa. I'm not sure of her last name, but I
 20 was -- my office was actually at Wallace
 21 Supply Company. But it was owned by the same
 22 individual, both businesses.
 23 **Q. Whatley Supply?**

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1 A. Yes.
 2 **Q. Why did you leave there?**
 3 A. The company went out of business. They filed
 4 Chapter 13 I believe.
 5 **Q. After you left Automated Controls --**
 6 A. Yes.
 7 **Q. -- where did you go to work?**
 8 A. I don't know -- I'm not sure if it was with
 9 the city of Dothan at that point. I'm not
 10 sure. I believe it was, but I can't --
 11 without looking at --
 12 **Q. Sure.**
 13 A. -- some of my prior records, I'm not sure.
 14 **Q. Are you currently?**
 15 A. No, ma'am.
 16 **Q. And where were you last employed?**
 17 A. The Town of Newton.
 18 **Q. And what was job there?**
 19 A. Court clerk.
 20 **Q. And how long did you work there?**
 21 A. From approximately March of '06 to September
 22 of '07.
 23 **Q. And why did you leave there?**

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1 A. Laid off due to budget cuts. The city clerk
 2 is doing her position plus the court clerk's
 3 position.
 4 **Q. Who was your supervisor there?**
 5 A. Jean Watson.
 6 **Q. Is she the court clerk?**
 7 A. She says the mayor.
 8 **Q. Excuse me. The mayor?**
 9 A. Yes.
 10 **Q. Jean Watson? Okay. And who's the city clerk?**
 11 **Did you report to the city clerk?**
 12 A. No. I actually -- well, our municipal judge
 13 was part-time. But, mainly, I reported to
 14 Jean.
 15 **Q. Okay. So it was after you left your job from**
 16 **this Town of Newton that you filed for**
 17 **unemployment compensation that I asked you**
 18 **about the three --**
 19 A. Yes.
 20 **Q. You told me it was three times?**
 21 A. Yes.
 22 **Q. This was one of the --**
 23 A. This was one.

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1 **Q. -- times when you filed?**
 2 A. Yes.
 3 **Q. Prior to the Town of Newton, were you**
 4 **employed?**
 5 A. With the City of Headland.
 6 **Q. And what was your job with the City of**
 7 **Headland?**
 8 A. Same, court clerk/magistrate.
 9 **Q. And who was your supervisor?**
 10 A. Mayor Rueben Shelley. I actually reported
 11 more at that position to the municipal judge,
 12 was Chris Capps. He was pretty involved.
 13 **Q. And why did you leave that job?**
 14 A. Both Headland and Newton were both part-time
 15 positions, and I was moving. Newton, their
 16 hours needed to upped to more hours, so I left
 17 Headland. Newton was closer to home where I
 18 was moving to. So I went to work for Newton
 19 because it was going -- at that point, it was
 20 going to either three or four days a week.
 21 I'm not sure.
 22 **Q. I'm a little confused. You said you were**
 23 **moving. Were you moving addresses, or you're**

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1 just --
 2 A. Yes.
 3 **Q. You've recently moved?**
 4 A. Well, I've been in my home now for
 5 approximately a year. Right.
 6 **Q. And just to clarify to me, I know -- you moved**
 7 **from where to where in this past year?**
 8 A. We were living with my mother-in-law while the
 9 house was being built, so I moved from there.
 10 **Q. "There" being? Where does your mother-in-law**
 11 **live?**
 12 A. 2102 Hardwick Drive here in Dothan.
 13 **Q. In Dothan?**
 14 A. Yes.
 15 **Q. Y'all were living with her, and you were**
 16 **building as house?**
 17 A. Yes.
 18 **Q. And your new house is where?**
 19 A. 695 Sandstone.
 20 **Q. In Dothan?**
 21 A. Yes.
 22 **Q. And you're saying Newton was closer?**
 23 A. Newton was closer to driver than to Headland,

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<p style="text-align: right;">Page 45</p> <p>1 and my hours -- Newton's hours were moved up.</p> <p>2 Q. Moved up to what it's?</p> <p>3 A. At first, they were -- I was only working</p> <p>4 there two days a week.</p> <p>5 Q. And then that changed to?</p> <p>6 A. That changed to three days a week.</p> <p>7 Q. But then they totally laid you off?</p> <p>8 A. After -- after -- then I was -- I was going --</p> <p>9 I was moving to fives days a week. When that</p> <p>10 job was opening up, the municipal judge at</p> <p>11 that time, that asked me to come work there,</p> <p>12 was advising me that that court would be</p> <p>13 full-time. They were hoping that would be a</p> <p>14 full-time court soon.</p> <p>15 Q. Okay.</p> <p>16 A. So that did not happen, which that municipal</p> <p>17 judge is no longer there. They've had another</p> <p>18 municipal judge come in.</p> <p>19 Q. But is there someone doing the magistrate</p> <p>20 work?</p> <p>21 A. Yes. That's the city clerk. She's doing that</p> <p>22 now.</p> <p>23 Q. There's no part-time magistrate?</p>	<p style="text-align: right;">Page 47</p> <p>1 Q. Well, written up, verbal, talked to about your</p> <p>2 job performance, or if you weren't getting the</p> <p>3 job done. Did that have any bearing on your</p> <p>4 leaving the Town of Newton?</p> <p>5 A. The only thing I was told was that I was laid</p> <p>6 off due to budget cuts, that the city clerk</p> <p>7 would be doing both positions.</p> <p>8 Q. Had you been given any type of verbal</p> <p>9 reprimand or discipline?</p> <p>10 A. The only thing, the mayor at some point in</p> <p>11 time had asked me exactly what a court --</p> <p>12 excuse me -- court clerk responsibilities are</p> <p>13 because she was a part-time mayor. She was</p> <p>14 not familiar with exactly the full scope of a</p> <p>15 magistrate and a court clerk. So I explained</p> <p>16 that to her.</p> <p>17 And then she just -- she had a issue with</p> <p>18 me making more money than the police chief</p> <p>19 did, but that was, you know -- that was all</p> <p>20 that was discussed verbally. But nothing</p> <p>21 about my -- you know, me not doing my job.</p> <p>22 Q. It's your understanding that in your part-time</p> <p>23 position, you made more money than the police</p>
<p style="text-align: right;">Page 46</p> <p>1 A. No. She actually -- she is a full-time</p> <p>2 employee with Newton, so she is doing both</p> <p>3 positions.</p> <p>4 Q. But if they were looking to go from a</p> <p>5 two-to-three-day-a-week magistrate to a</p> <p>6 full-time magistrate, I'm still confused as to</p> <p>7 how you came to be laid off.</p> <p>8 A. I -- they -- it did not go to full-time. I</p> <p>9 guess with them being a small town, you know,</p> <p>10 I was making good money. So they just felt</p> <p>11 like they needed to try to cut back. So --</p> <p>12 Q. Were you ever disciplined in any way while you</p> <p>13 were at Newton?</p> <p>14 A. No. I mean, what do you mean "disciplined?"</p> <p>15 Q. I mean, for either your performance or</p> <p>16 committing some work-rule violation?</p> <p>17 A. No.</p> <p>18 Q. Reprimanded?</p> <p>19 I mean, you're looking at me like --</p> <p>20 A. Well, I'm just try to figure out what you're</p> <p>21 talking -- what are you actually talking</p> <p>22 about? Written, as far as written up, that</p> <p>23 sort of thing?</p>	<p style="text-align: right;">Page 48</p> <p>1 chief of the City of Newton?</p> <p>2 A. I did not know that when I was initially</p> <p>3 hired, but she had brought that to my</p> <p>4 attention.</p> <p>5 Q. What about the City of Headland; were you ever</p> <p>6 disciplined, reprimanded, verbally or written?</p> <p>7 A. No.</p> <p>8 Q. Did you ever work for the City of Headland and</p> <p>9 the City of Newton at the same time?</p> <p>10 A. Yes. Yes. They were both part-time</p> <p>11 positions.</p> <p>12 Q. And I believe you've provided me some -- your</p> <p>13 tax returns?</p> <p>14 MR. JAFFREE: I didn't get a copy of</p> <p>15 stuff.</p> <p>16 THE WITNESS: I didn't make you a</p> <p>17 copy of --</p> <p>18 MR. JAFFREE: No, no, no. She had</p> <p>19 asked.</p> <p>20 Q. Were you paid hourly for the City of Newton?</p> <p>21 A. Yes.</p> <p>22 Q. You were paid hourly for the City of Headland?</p> <p>23 A. Yes.</p>

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<p style="text-align: right;">Page 49</p> <p>1 Q. Combined, the two jobs -- let me back up. 2 You worked for City of Headland for what 3 period of time? 4 A. October of '05 to approximately November of 5 '06. 6 Q. And what about the Town of Newton? 7 A. I think I -- March of '06 to September of '07. 8 Q. I'm sorry. 9 A. Yes. 10 Q. And what was your hourly rate of pay at the 11 City of Headland? 12 A. Fourteen-fifty an hour. 13 Q. About how many hours a week were you working 14 there? 15 A. Twenty-one. 16 Q. What was your hourly pay at the city -- you 17 call it the Town of Newton? 18 A. Yes. It's small. 19 It was \$15 an hour. 20 Q. And how many hours were you working there? 21 A. To begin with, 16, and then it went up to 24. 22 Q. And these earnings would be reflected in the 23 tax returns that you've--</p>	<p style="text-align: right;">Page 51</p> <p>1 A. Yes. Or surrounding. For the state jobs, you 2 put surrounding counties, too, that you'd be 3 willing to work in. So -- 4 Q. I'm going to show you what I've marked as 5 Defendants' Exhibit Number 2 which appears to 6 be a resume' prepared by you. 7 (Defendants' Exhibit Number 2 was 8 marked for identification.) 9 Q. Have you had a chance to look at it? Does 10 that appear to be your resume', Ms. Brackin? 11 A. Yes. 12 Q. And that goes through a period of time for 13 when you worked for Automated Control System; 14 is that correct? 15 A. Yes. 16 Q. Best of your knowledge, does that accurately 17 reflect the jobs that you held -- 18 A. Yes, if the -- yes. 19 Q. -- up until that time which appears 20 to be -- to your knowledge, was that the 21 resume' you provided when you interviewed with 22 the city of Dothan? 23 A. I'm -- to the best of my knowledge.</p>
<p style="text-align: right;">Page 50</p> <p>1 A. Yes, ma'am. 2 Q. -- provided to me? 3 A. Those that I could find. 4 Q. And you've been unemployed since September; is 5 that correct? 6 A. September 13th. 7 Q. Are you seeking employment? 8 A. Yes, I am. 9 Q. And are you seeking employment in this field 10 of a municipal employee or being a magistrate? 11 A. If the position comes available, but I have 12 applied for a lot of things that I'm qualified 13 for. 14 Q. Where have you applied? 15 A. I've applied for -- I've gotten on the list 16 for state jobs, for City of Enterprise, city 17 of Dothan School System. I'm trying to think 18 of some other none-government places. I'm not 19 sure of the some of the other that -- but 20 I've -- I have applied for several state jobs 21 that I have taken tests for. And I'm on the 22 list. 23 Q. Would these be here in Dothan?</p>	<p style="text-align: right;">Page 52</p> <p>1 Q. After Automated Control, I believe you 2 testified that you thought you went to work 3 for the city of Dothan? 4 A. Yes. 5 Q. Do you remember filling out an application at 6 the City? 7 A. I'm sure I did. It was required. 8 Q. Do you remember what job you were seeking? 9 A. Magistrate, if I'm correct. 10 Q. Do you remember who you interviewed with? 11 A. Gayle Schwarz. 12 Q. Who is Gayle Schwarz? 13 A. She was the court clerk at the time. 14 Q. Let me show you what I'll marked as 15 Defendants' Exhibit 3 which is an application 16 for the city of Dothan. If you'd take a 17 minute just to look at that. 18 (Defendants' Exhibit 3 was marked 19 for identification.) 20 (Brief pause) 21 Q. Ms. Brackin, that Exhibit 3, is that your 22 application -- 23 A. Yes.</p>

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<p style="text-align: right;">Page 53</p> <p>1 Q. -- to the city of Dothan?</p> <p>2 A. Yes.</p> <p>3 Q. Do you recall when you first started working</p> <p>4 there, what year that was?</p> <p>5 A. May of '92.</p> <p>6 Q. And do you know how you came to apply for a</p> <p>7 job with the city of Dothan?</p> <p>8 A. I -- there was an opening, or it was announced</p> <p>9 or -- I'm not sure. So it must have been a</p> <p>10 job that was posted. I don't recall now.</p> <p>11 Q. Was your husband working at the time --</p> <p>12 A. Yes.</p> <p>13 Q. -- at the city of Dothan?</p> <p>14 A. Uh-huh (positive response).</p> <p>15 Q. In the fire department?</p> <p>16 A. Yes.</p> <p>17 Q. Has he always worked in the fire department?</p> <p>18 A. Yes.</p> <p>19 Q. I may have asked you this: What is his rank?</p> <p>20 A. He's a fire sergeant.</p> <p>21 Q. Sergeant?</p> <p>22 A. Sergeant.</p> <p>23 Q. And then you said you interviewed with Gayle</p>	<p style="text-align: right;">Page 55</p> <p>1 Q. Doug Brown?</p> <p>2 A. Doug Bates.</p> <p>3 Q. Bates and --</p> <p>4 A. And Mike Brown.</p> <p>5 Q. Mike Brown.</p> <p>6 A. Mike Brown was the presiding judge.</p> <p>7 Q. Do you know if you've ever -- at that point,</p> <p>8 did you receive training, or was it on-the-job</p> <p>9 training to be a magistrate?</p> <p>10 A. It was basically on-the-job training.</p> <p>11 Q. Do you when you started your training through</p> <p>12 the -- to get your certificate that we talked</p> <p>13 about earlier?</p> <p>14 A. No, I don't recall the first actual time I</p> <p>15 started going.</p> <p>16 Q. To you remember being given an employee</p> <p>17 handbook of employee rules and regulations?</p> <p>18 A. I don't recall at that point. No.</p> <p>19 (Defendants' Exhibit 4 was marked</p> <p>20 for identification.)</p> <p>21 Q. Do you ever recall being given one? I'll show</p> <p>22 you what I've marked as Defendants' Exhibit 4.</p> <p>23 Is that your signature?</p>
<p style="text-align: right;">Page 54</p> <p>1 Schwarz?</p> <p>2 A. To the best of my knowledge. I know she was</p> <p>3 my supervisor, so I'm -- I'm just not sure. I</p> <p>4 don't remember back that far.</p> <p>5 Q. You were hired; is that correct?</p> <p>6 A. Yes.</p> <p>7 Q. And how many other magistrates were there at</p> <p>8 that time?</p> <p>9 A. There was Shirley Thomas and Kevin Sorrells.</p> <p>10 And then Gayle, of course, was a</p> <p>11 magistrate/court clerk.</p> <p>12 Q. Was there a municipal court judge at that</p> <p>13 time?</p> <p>14 A. We had two part-time judges.</p> <p>15 Q. Do you remember who they where?</p> <p>16 A. Mike Brown and Doug Bates.</p> <p>17 Q. You say "part-time." Did they do other</p> <p>18 things?</p> <p>19 A. They were -- they had their own --</p> <p>20 Q. Did they practice law?</p> <p>21 A. Yes, ma'am.</p> <p>22 Q. Did they practice law?</p> <p>23 A. Yes, sir.</p>	<p style="text-align: right;">Page 56</p> <p>1 A. Yes.</p> <p>2 Q. This says, you received a copy of the</p> <p>3 handbook?</p> <p>4 A. Yes.</p> <p>5 Q. Does that refresh your memory?</p> <p>6 A. Yes. Well, I'm -- I'm sure, you know, I</p> <p>7 received it if I signed that.</p> <p>8 Q. Are you aware that the City has policies and</p> <p>9 procedures dealing with like, for example,</p> <p>10 drug testing?</p> <p>11 A. Yes.</p> <p>12 Q. Do you recall receiving --</p> <p>13 A. Yes.</p> <p>14 Q. -- that?</p> <p>15 (Defendants' Exhibit 5 was marked</p> <p>16 for identification.)</p> <p>17 Q. And I'll show you Defendants' Exhibit 5.</p> <p>18 Is that your signature?</p> <p>19 A. Yes, it is.</p> <p>20 Q. And that certifies that you have received a</p> <p>21 copy of the City's Drug Testing Procedures?</p> <p>22 A. Correct.</p> <p>23 Q. Have you ever been drug tested?</p>

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1 A. With my initial employment, I believe, with
2 the City I was. Yes.

3 **Q. Not since then?**

4 A. But not -- no, ma'am.

5 MR. JAFFREE: Let me stop. One of
6 those documents from '92; the
7 other one is from '96. Your
8 question suggests that she
9 received both of those documents
10 at.

11 MS. NELSON: My question doesn't
12 reflect anything like that. I
13 mean, you can ask the questions.
14 I'm just asking her to identify
15 a document. I mean, they speak
16 for themselves.

17 MR. JAFFREE: I think the tenure of
18 your question suggests that got
19 both of those documents when she
20 became employed.

21 MS. NELSON: You can refer that if
22 you want.

23 **Q. You said you first reported to Gayle Schwarz;**

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1 **is that correct?**

2 A. Yes.

3 **Q. What how long did you report to her?**

4 A. I was in that division until, approximately, I
5 believe August of '95.

6 **Q. And what position was that?**

7 A. That I was in prior to that or after?

8 **Q. Yeah. You said you were in that position till
9 August.**

10 A. In that division. I was in that division
11 until August of '95.

12 **Q. What division was that? That's what I'm
13 trying to get an understanding.**

14 A. Well, it's -- we were under the -- we worked
15 under the city manager at that time, but we
16 were Municipal Court. We did not have our
17 own.

18 **Q. Your own what?**

19 A. Like they do now. The Judicial Department has
20 their own department. At that particular
21 time, we were listed as administrative up
22 under the city manager.

23 **Q. Okay. And you said that was until August of**

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1 '95.

2 A. Yes, ma'am.

3 **Q. What happened in August of '95?**

4 A. I went to work as a secretary with the Dothan
5 Police Department.

6 **Q. Let me back up. What were your duties from
7 '92 to '95 when you worked under Gayle
8 Schwarz?**

9 A. Magistrate.

10 **Q. I know. Give me some idea of what you did.**

11 A. That encompasses swearing the officers to
12 traffic tickets and on the arrest -- issuing
13 warrants of arrest on complaints by civilians
14 and officers, taking in moneys for fines and
15 costs, working in the courtroom, working in
16 the fines room, accepting bonds, approving
17 bonds, issuing subpoenas?

18 **Q. How often was court held when there were the
19 two part-time judges?**

20 A. Let's see. We had Monday, Tuesday, and
21 Thursday.

22 **Q. Were you ever evaluated while you were
23 under -- like get an employee evaluation by**

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1 **Gayle Schwarz?**

2 A. Yes. If it. I'm not sure if she did them or
3 Judge Brown did them at the time. I'm not
4 sure.

5 **Q. Did you consider yourself reporting to Gayle
6 Schwarz or to Judge Brown?**

7 A. Gayle Schwarz was our immediate supervisor.
8 (Brief pause)
9 (Defendants' Exhibit 6 was marked
10 for identification.)

11 **Q. I'm going to show you what I've marked as
12 Defendants' Exhibit 6, Ms. Brackin. This is a
13 performance evaluation.**

14 **Is that the evaluation you received --**

15 A. Yes.

16 **Q. -- from Gayle Schwarz?**

17 A. Yes.

18 **Q. Do you have any reason to question anything
19 that she put in that evaluation?**

20 MR. JAFFREE: Before you answer
21 that, you need to examine
22 everything in there, in detail.

23 **Q. Did you have a chance to make a comment on**

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<p style="text-align: right;">Page 61</p> <p>1 that evaluation?</p> <p>2 A. Yes.</p> <p>3 Q. And what was your comment?</p> <p>4 A. "Concur."</p> <p>5 Q. Concur?</p> <p>6 A. Concur. Uh-huh (positive response).</p> <p>7 MR. JAFFREE: So she doesn't have to</p> <p>8 answer the prior question?</p> <p>9 MS. NELSON: Well, she can if she</p> <p>10 wants to.</p> <p>11 MR. JAFFREE: So are you still</p> <p>12 expecting her to answer, or are</p> <p>13 you satisfied with the concur?</p> <p>14 MS. NELSON: Well, I'm satisfied</p> <p>15 with the concur. I'm just</p> <p>16 trying to move along here.</p> <p>17 Q. Were you generally evaluated annually each</p> <p>18 year?</p> <p>19 A. After -- I think when you're on probation,</p> <p>20 it's -- you get evaluated more. But after</p> <p>21 you're off probation, I think it's once a</p> <p>22 year. I'm not sure.</p> <p>23 Q. And this was done in April of 1993; is that</p>	<p style="text-align: right;">Page 63</p> <p>1 A. Yes.</p> <p>2 Q. Did you have an opportunity to make a comment</p> <p>3 there?</p> <p>4 A. Yes.</p> <p>5 Q. And what was your comment?</p> <p>6 A. "Concur."</p> <p>7 Q. Those were fill out by whom?</p> <p>8 A. The evaluation?</p> <p>9 Q. Yes. I'm sorry. Who completed the</p> <p>10 evaluation?</p> <p>11 A. Gayle. It was Gayle Kellenberger, but it was</p> <p>12 the same -- she was married at that time.</p> <p>13 Q. Did Gayle ever speak to you about problems</p> <p>14 that you had communicating with the public and</p> <p>15 other employees?</p> <p>16 A. The -- what was written in there. You know,</p> <p>17 she went over the evaluation with me.</p> <p>18 Q. Okay. She states here that "she" -- and she's</p> <p>19 referring to you -- "is currently showing some</p> <p>20 problems in the area of communication with the</p> <p>21 public and other employees along with a</p> <p>22 sometime poor attitude."</p> <p>23 MR. JAFFREE: Is that a question or</p>
<p style="text-align: right;">Page 62</p> <p>1 correct?</p> <p>2 A. Right.</p> <p>3 (Defendants' Exhibit 7 was marked</p> <p>4 for identification.)</p> <p>5 Q. And then let me show you one that you were</p> <p>6 evaluated in about April -- well, looks like</p> <p>7 May of 1994. That's Defendants' Exhibit 7.</p> <p>8 Just a take a minute to look at that.</p> <p>9 (Brief pause)</p> <p>10 Q. That is your 1994 evaluation; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. Did you make a comment on that one?</p> <p>13 A. Yes.</p> <p>14 Q. And your comment was?</p> <p>15 A. "Concur."</p> <p>16 (Defendants' Exhibit 8 was marked</p> <p>17 for identification.)</p> <p>18 Q. And I'm going to show you what appears to be</p> <p>19 your May of 1995 evaluation, which is</p> <p>20 Defendants' Exhibit Number 8. Take a moment</p> <p>21 to look at that.</p> <p>22 (Brief pause)</p> <p>23 Q. Is that your May of 1995 evaluation?</p>	<p style="text-align: right;">Page 64</p> <p>1 is that a statement?</p> <p>2 MS. NELSON: That's a quote from</p> <p>3 Gayle, her supervisor.</p> <p>4 Q. I'm saying, did she discuss that with you?</p> <p>5 A. She went over the evaluation with me. I don't</p> <p>6 recall everything that was said in May of</p> <p>7 '95. But I mean, if it's -- you know, she</p> <p>8 went over that with me.</p> <p>9 Q. And then she -- I'm quoting. "I feel that</p> <p>10 this is an area that needs to be worked on</p> <p>11 before a major complaint is received."</p> <p>12 Do you remember her mentioning that you</p> <p>13 to?</p> <p>14 A. I don't recall.</p> <p>15 Q. Do you remember any complaints at that time</p> <p>16 that had been made about you?</p> <p>17 A. No.</p> <p>18 Q. Do you remember any employees that you were</p> <p>19 having difficulty in communicating with or</p> <p>20 getting along with?</p> <p>21 A. No.</p> <p>22 Q. Do you remember having any complaints from the</p> <p>23 public or attorneys or anybody in the</p>

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<p style="text-align: right;">Page 65</p> <p>1 courtroom, attending municipal court, that had</p> <p>2 complaints about you?</p> <p>3 A. No.</p> <p>4 Q. Do you know what she was referring when she</p> <p>5 said that you sometimes had a poor attitude?</p> <p>6 A. No.</p> <p>7 Q. Now, I believe you testified earlier that it</p> <p>8 was in about '95 that you went to the police</p> <p>9 department?</p> <p>10 A. Yes, ma'am.</p> <p>11 Q. Tell me the circumstances that you went to the</p> <p>12 police department to work.</p> <p>13 A. Well, I had a -- a small child. And we were</p> <p>14 on call at that time. Gayle was on call</p> <p>15 during the week, and we would rotate</p> <p>16 weekends. And since there was few of us, that</p> <p>17 meant our call was -- was quite often. And</p> <p>18 then our call went to where Gayle wasn't going</p> <p>19 to be on call, so we had to be on call a week</p> <p>20 at the time. And with my --</p> <p>21 Q. Let me stop you and make sure. I'm just</p> <p>22 trying to understand.</p> <p>23 It was you and Gayle, and who were the</p>	<p style="text-align: right;">Page 67</p> <p>1 be to where I'd have to go spend the night</p> <p>2 with my in-law in case I would get called out</p> <p>3 because I couldn't take the baby with me. So</p> <p>4 it was just better for me to go to where I was</p> <p>5 eight to five. You know, if I worked court,</p> <p>6 it would be to where sometimes I wouldn't get</p> <p>7 out of there until six or seven at night.</p> <p>8 Q. Okay.</p> <p>9 A. So for my situation at the time with my</p> <p>10 family, it was better for me to do that.</p> <p>11 Q. Back to what I was asking you about earlier,</p> <p>12 the comments and evaluations, were some of the</p> <p>13 communication issues or attitudes issues with</p> <p>14 other employees. Did you and Kevin Sorrells</p> <p>15 have any disagreements or inability to get</p> <p>16 along?</p> <p>17 A. No.</p> <p>18 Q. Did you and Mary Turner have disagreements or</p> <p>19 inability to get along?</p> <p>20 A. No.</p> <p>21 Q. You mentioned Shirley Thomas?</p> <p>22 A. Uh-huh (positive response).</p> <p>23 Q. Did you and Shirley Thomas have any</p>
<p style="text-align: right;">Page 66</p> <p>1 other magistrates in the office?</p> <p>2 A. Kevin and then in '95 at this point it was</p> <p>3 Mary Turner.</p> <p>4 Q. Kevin Sorrell?</p> <p>5 A. Kevin Sorrells.</p> <p>6 Q. Sorrells?</p> <p>7 A. Yes.</p> <p>8 Q. And did all four of y'all rotate this call?</p> <p>9 A. We did, but it got to where Gayle would take</p> <p>10 it during the week. But then she got to where</p> <p>11 she didn't take it at all. So it was left</p> <p>12 up -- oh, and Shirley. I think Shirley Thomas</p> <p>13 was still there. I know that she retired, but</p> <p>14 I'm not sure what year she retired in. I'm</p> <p>15 not sure.</p> <p>16 Q. Okay. But did Kevin Sorrells, Mary Turner,</p> <p>17 and Shirley take call also?</p> <p>18 A. Yes.</p> <p>19 Q. Anyway, you were telling me why you wanted to</p> <p>20 go to the police department.</p> <p>21 A. And my husband is a shift worker. He's on 24</p> <p>22 and off 48. So it was -- with a small child,</p> <p>23 it was just hard to be on call. So it would</p>	<p style="text-align: right;">Page 68</p> <p>1 disagreements or --</p> <p>2 A. No.</p> <p>3 Q. -- inability to get along?</p> <p>4 A. No.</p> <p>5 Q. What about you and Gayle?</p> <p>6 A. No, not to my knowledge.</p> <p>7 Q. Do you know if Kevin Sorrells ever made any</p> <p>8 complaints about you?</p> <p>9 A. Not to my knowledge. I don't know.</p> <p>10 MR. JAFFREE: Let me --</p> <p>11 MS. NELSON: You can state your</p> <p>12 objection. I have a right to</p> <p>13 question her.</p> <p>14 MR. JAFFREE: Well, I understand</p> <p>15 that, but your questions are not</p> <p>16 specific as to time, place, or</p> <p>17 circumstances.</p> <p>18 MS. NELSON: I'm talking about in --</p> <p>19 MR. JAFFREE: The rest of the world</p> <p>20 or just --</p> <p>21 MS. NELSON: I'm talking about</p> <p>22 within 1995, the time frame that</p> <p>23 she was noted in her evaluation</p>

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<p>1 as having some issues with her</p> <p>2 employees.</p> <p>3 MR. JAFFREE: I'm not sure you made</p> <p>4 that clear.</p> <p>5 MS. NELSON: I think I did. But</p> <p>6 thank you. I'll try to do that</p> <p>7 in the future.</p> <p>8 Q. I'm talking about around the 1995 time frame</p> <p>9 when, in Exhibit 18, your supervisor Gayle</p> <p>10 Schwarz had indicated some issues that are</p> <p>11 written here in your evaluation. That's the</p> <p>12 time frame I'm talking about.</p> <p>13 To your knowledge, were you and Kevin</p> <p>14 Sorrells friends?</p> <p>15 A. We worked together. We were co-workers. I</p> <p>16 mean, yes, we --</p> <p>17 Q. Did you know him outside of the work force?</p> <p>18 A. As far as doing things? Is that what you're</p> <p>19 talking about?</p> <p>20 Q. Yeah.</p> <p>21 A. I mean, I knew him outside the workforce.</p> <p>22 But, I mean, did we?</p> <p>23 Q. Did y'all socialize; did y'all go to church</p>	<p>1 church was very big. I would say when she</p> <p>2 started with the City because she didn't</p> <p>3 attend church a whole lot whenever I was</p> <p>4 there. Or if she did, I didn't see her</p> <p>5 because we're -- we had quite a bit in our</p> <p>6 congregation, so there would've been times</p> <p>7 when I didn't see her. But I actually met her</p> <p>8 whenever she started working with us for the</p> <p>9 City.</p> <p>10 Q. Besides church, did you and Mary socialize?</p> <p>11 A. Not -- not during that time, no. Not in '95.</p> <p>12 I mean, we -- you know, if things were going</p> <p>13 on at church, of course. But not --</p> <p>14 Q. But later did you become as friends --</p> <p>15 A. Yes.</p> <p>16 Q. -- and socialize?</p> <p>17 A. Sure.</p> <p>18 Q. And do you still go to Lafayette United</p> <p>19 Methodist Church?</p> <p>20 A. Yes.</p> <p>21 Q. Does Mary still go there?</p> <p>22 A. Yes.</p> <p>23 Q. What about Shirley Thomas? I'm talking about</p>
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<p>1 together?</p> <p>2 A. No. No.</p> <p>3 Q. What about Mary Turner; did and you Mary get</p> <p>4 along? Were y'all -- any reason that she</p> <p>5 would have complained about you?</p> <p>6 A. Not to my knowledge. I don't --</p> <p>7 Q. Were y'all friends?</p> <p>8 A. Yes.</p> <p>9 Q. Were you friends outside of the work place?</p> <p>10 A. Yes.</p> <p>11 Q. Do you go to church together?</p> <p>12 A. We did. She was a member of the church that I</p> <p>13 went to.</p> <p>14 Q. And was this the Methodist church?</p> <p>15 A. Yes.</p> <p>16 Q. Cloverdale Methodist?</p> <p>17 A. Lafayette Street United Methodist. My sister</p> <p>18 worked at Cloverdale.</p> <p>19 Q. I'm sorry. I'm getting my churches confused.</p> <p>20 You go to Lafayette?</p> <p>21 A. Lafayette United Methodist Church, yes.</p> <p>22 Q. And how long have you known Mary Turner?</p> <p>23 A. Since she started -- well, let's see. Our</p>	<p>1 1995 now.</p> <p>2 A. Yeah.</p> <p>3 Q. Were you friends outside of the workplace?</p> <p>4 A. No.</p> <p>5 Q. Did you go to church with Shirley?</p> <p>6 A. No.</p> <p>7 Q. Ever become friends with Shirley?</p> <p>8 A. Yes. My family knew her husband.</p> <p>9 Q. Ever socialize with her outside the workplace?</p> <p>10 A. Not -- no. Not unless it was a work-related</p> <p>11 function.</p> <p>12 Q. Okay. How did you come to get your job in the</p> <p>13 police department?</p> <p>14 A. It -- there was a job opening, and I applied</p> <p>15 for it.</p> <p>16 Q. I mean, is it a posting process?</p> <p>17 A. Yes. Yes, ma'am.</p> <p>18 Q. Did you have to take any kind of test or</p> <p>19 anything like that?</p> <p>20 A. I'm not sure. I know that that changed over</p> <p>21 the course of the years that you didn't have</p> <p>22 to take a test, but I'm not sure if I did.</p> <p>23 Q. You filled out an application?</p>

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<p>1 A. Yes.</p> <p>2 (Defendants' Exhibit 9 was marked</p> <p>3 for identification.)</p> <p>4 Q. Let me show you what I've marked as</p> <p>5 Defendants' Exhibit Number 9, and ask you if</p> <p>6 you could identify that for me, please. Is</p> <p>7 that your application to the police</p> <p>8 department?</p> <p>9 MR. JAFFREE: Can I see 8 for a</p> <p>10 minute?</p> <p>11 Thank you.</p> <p>12 Q. Ms. Brackin, Number 9, does that appear to be</p> <p>13 your application to work in the police</p> <p>14 department at the city of Dothan in 1995?</p> <p>15 A. Yes.</p> <p>16 Q. Do you remember interviewing for this job?</p> <p>17 A. I don't recall the interview. I'm sure I was,</p> <p>18 but I don't recall.</p> <p>19 Q. And the job you were applying for is</p> <p>20 secretary?</p> <p>21 A. Yes.</p> <p>22 Q. And did you get this job?</p> <p>23 A. Yes.</p>	<p>1 I'm not sure.</p> <p>2 Q. Do you remember what sergeant you would have</p> <p>3 reported to?</p> <p>4 A. I know we had a few. We had a Ron Harden. We</p> <p>5 had Anthony Westbury. I know at one point</p> <p>6 when Lieutenant Smith made captain, we had</p> <p>7 Lieutenant Roy Woodham was the supervisor.</p> <p>8 Q. Woodham?</p> <p>9 A. Yes, ma'am.</p> <p>10 Q. And what were your -- just generally, what</p> <p>11 were your duties as a secretary in the records</p> <p>12 division of the police department.</p> <p>13 A. Oh, we were responsible for, of course,</p> <p>14 receiving phone calls from the public, and we</p> <p>15 sold accident -- incident/offense reports to</p> <p>16 the public. We also were responsible for</p> <p>17 keying in the arrests and incident/offense --</p> <p>18 accident -- not accident reports, but other</p> <p>19 types of reports into the computer. And then</p> <p>20 I also assisted Tonya Anderson who was the</p> <p>21 payroll clerk for the police department with</p> <p>22 payroll and accounts payable.</p> <p>23 Q. Did you continue to have any interaction with</p>
Page 74	Page 76
<p>1 Q. And did that result in any pay change for you?</p> <p>2 A. I'm not sure. It may be listed on there. I'm</p> <p>3 not sure.</p> <p>4 Q. And you were more interested in -- I think you</p> <p>5 said "stable work hours?"</p> <p>6 A. Right. Right.</p> <p>7 Q. So you became a secretary in the police</p> <p>8 department?</p> <p>9 A. Yes.</p> <p>10 Q. And what department were you working in?</p> <p>11 A. The records division.</p> <p>12 Q. And who was your supervisor?</p> <p>13 A. Well, we had different -- like immediate and</p> <p>14 then we had a captain over our division.</p> <p>15 Q. Who was your immediate?</p> <p>16 A. Immediate? When I first got hired, at the</p> <p>17 time, it was Lieutenant Jim Smith. But then</p> <p>18 he got promoted to captain, but he was the</p> <p>19 captain over our division.</p> <p>20 Q. And is he the one that evaluated you in the</p> <p>21 police department?</p> <p>22 A. I don't -- I don't remember. I mean, he might</p> <p>23 have. It could have been the -- a sergeant.</p>	<p>1 the magistrate's office while you worked --</p> <p>2 A. Well, their office was actually inside the</p> <p>3 same area that ours was for -- I'm not sure</p> <p>4 for how long. And then they moved over to the</p> <p>5 Civic Center.</p> <p>6 Q. So let me make sure I understand this. The</p> <p>7 police department is -- we're in the Civic</p> <p>8 Center --</p> <p>9 A. Correct.</p> <p>10 Q. -- today?</p> <p>11 A. Correct.</p> <p>12 Q. And I may be turned around, but the police</p> <p>13 department is across the street?</p> <p>14 A. Yes.</p> <p>15 Q. Housed in it's own building facility?</p> <p>16 A. Yes.</p> <p>17 Q. Is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. And at that time the magistrate's office was</p> <p>20 contained in the police department building;</p> <p>21 is that correct?</p> <p>22 A. Yes, it was.</p> <p>23 Q. And is the actual municipal courtroom in the</p>

19 (Pages 73 to 76)

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<p>1 police department building?</p> <p>2 A. Yes, it is.</p> <p>3 Q. Was it at that time?</p> <p>4 A. Yes.</p> <p>5 Q. So when I asked the question, was there any</p> <p>6 interaction, really, the police department and</p> <p>7 the magistrate's office were right there</p> <p>8 together --</p> <p>9 A. Yes.</p> <p>10 Q. -- in the same building?</p> <p>11 A. Yes.</p> <p>12 Q. How many stories is the building?</p> <p>13 A. It's, I believe, two.</p> <p>14 Q. Two stories.</p> <p>15 A. Well, actually just the -- it's not a full two</p> <p>16 story, but it's got the jail and the patrol</p> <p>17 room downstairs.</p> <p>18 Q. But your office and the magistrate's office</p> <p>19 was upstairs?</p> <p>20 A. Yes. But when you walk in the front door,</p> <p>21 you're on that floor level. I know, it's kind</p> <p>22 of --</p> <p>23 Q. And you were -- how long did you stay in the</p>	<p>1 she left, there was another one that received</p> <p>2 that position.</p> <p>3 Q. Do you know who that was?</p> <p>4 A. Donna Nicholson.</p> <p>5 Q. Did you ever work for Donna Nicholson?</p> <p>6 A. Yes.</p> <p>7 Q. So Donna -- when you went -- and I'll ask you</p> <p>8 about that in a minute. But Donna Nicholson</p> <p>9 was the head of the magistrate's office when</p> <p>10 you went back to the magistrate's office; is</p> <p>11 that correct?</p> <p>12 A. Yes.</p> <p>13 Q. Now, why is it you applied to go back to the</p> <p>14 magistrate's office?</p> <p>15 A. For -- I -- I kept up my certification even</p> <p>16 while I was in the police department, so I</p> <p>17 just enjoyed the work and wanted to be back in</p> <p>18 that capacity.</p> <p>19 Q. Were you ever disciplined or reprimanded,</p> <p>20 either verbally or in writing, while you were</p> <p>21 at the police department?</p> <p>22 A. No, not to my.</p> <p>23 Q. So you had your magistrate certification as of</p>
Page 78	Page 80
<p>1 police department?</p> <p>2 A. I believe I went back into the magistrate's</p> <p>3 office in April of '01.</p> <p>4 Q. And I'm just asking you if you know from</p> <p>5 memory, because I know you really weren't</p> <p>6 working in the department, who the</p> <p>7 magistrates -- did Kevin Sorrells stay over</p> <p>8 there as a magistrate?</p> <p>9 A. He stayed in the magistrate's office. But</p> <p>10 like I said, I'm not sure how long after I</p> <p>11 went to work in the police department; the</p> <p>12 magistrate's office moved to the Civic Center.</p> <p>13 Q. Oh, okay. You don't know when that was?</p> <p>14 A. No, ma'am, I don't.</p> <p>15 Q. And that's the building we're in?</p> <p>16 A. Yes.</p> <p>17 Q. Did the jail -- excuse me. Did the courtroom</p> <p>18 stay over there at the police department?</p> <p>19 A. Yes, it did.</p> <p>20 Q. Did Gayle Schwarz remain as the head of the</p> <p>21 magistrate's office while you were gone, to</p> <p>22 your knowledge?</p> <p>23 A. Yes. And then I believe someone else -- when</p>	<p>1 1995?</p> <p>2 A. '97.</p> <p>3 Q. But you went to the -- I'm getting confused.</p> <p>4 You went to the police department in '95?</p> <p>5 A. Yes, ma'am.</p> <p>6 Q. But you're saying, while you were at the</p> <p>7 police department, you --</p> <p>8 A. I kept up my magistrate's --</p> <p>9 Q. -- had schooling?</p> <p>10 A. And I was certified in June of '97.</p> <p>11 Q. And the City paid for that?</p> <p>12 A. No.</p> <p>13 Q. Well, you weren't in the magistrate's office</p> <p>14 at the time.</p> <p>15 A. Right.</p> <p>16 Q. You did it on your own?</p> <p>17 A. I paid for that myself. Yes, ma'am.</p> <p>18 Q. And your schooling was -- I mean, did you take</p> <p>19 it online, by --</p> <p>20 A. No.</p> <p>21 Q. -- correspondence; did you have to go</p> <p>22 somewhere?</p> <p>23 A. I had to go.</p>

20 (Pages 77 to 80)

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<p style="text-align: right;">Page 81</p> <p>1 Q. Go where?</p> <p>2 A. To Tuscaloosa.</p> <p>3 Q. Tuscaloosa. But you became officially</p> <p>4 certified in '97; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. You said Gayle left. Mary Turner, she</p> <p>7 was still over there while you were at the</p> <p>8 police department?</p> <p>9 A. Yes.</p> <p>10 Q. Mary Turner was still in the magistrate's</p> <p>11 office --</p> <p>12 A. Yes.</p> <p>13 Q. -- while you were at the police department?</p> <p>14 A. Uh-huh (positive response).</p> <p>15 Q. Shirley Thompson, was still there while you</p> <p>16 were at the police department?</p> <p>17 A. I'm not sure because she -- she retired. I'm</p> <p>18 not sure what year Shirley retired in.</p> <p>19 Q. Did Mary Turner, in any way, try to persuade</p> <p>20 you to come back to the magistrate's office?</p> <p>21 A. Not to my -- I mean, no. I did that myself.</p> <p>22 Q. And when you came back to the magistrate's</p> <p>23 office, do you know what year that was?</p>	<p style="text-align: right;">Page 83</p> <p>1 this case; is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. Did you have to make an application to go back</p> <p>4 to the magistrate's office?</p> <p>5 A. Yes.</p> <p>6 Q. Was there a vacancy posted?</p> <p>7 A. There was a job posted.</p> <p>8 Q. Do you know any other people that bid on this</p> <p>9 job?</p> <p>10 A. Not to my -- I'm not sure. I know -- I think</p> <p>11 that the roster was for two years. I'm not</p> <p>12 sure. I knew that Lavera had applied for the</p> <p>13 job.</p> <p>14 Q. Talking about Lavera McClain?</p> <p>15 A. Yes. And -- what was her name? She was in</p> <p>16 the magistrate's -- or used to be in the --</p> <p>17 Wendy. I'm not sure what Wendy's last name,</p> <p>18 but she was -- she had worked in the</p> <p>19 magistrate's office at one time. I'm sure if</p> <p>20 she went to dispatch during this time or not.</p> <p>21 But I -- I know that she applied, but I'm not</p> <p>22 sure if it was this time or not. I know that</p> <p>23 she had applied for the job.</p>
<p style="text-align: right;">Page 82</p> <p>1 A. 2001</p> <p>2 Q. And at that time, had there been some changes,</p> <p>3 to your knowledge, in the magistrate's office?</p> <p>4 A. What do you mean, "changes?" As far as what?</p> <p>5 Q. Well, that's what I'm asking you.</p> <p>6 A. I mean, I don't --</p> <p>7 Q. Were Doug Bates and Mike Brown still part-time</p> <p>8 municipal judges?</p> <p>9 A. No. No.</p> <p>10 Q. You mentioned one time that the magistrate's</p> <p>11 division was under the city manager. I'm just</p> <p>12 asking, were you aware of any changes that had</p> <p>13 taken place in either the organization of the</p> <p>14 magistrate's office or what department -- was</p> <p>15 its own department; did it have its own judge?</p> <p>16 A. Yes.</p> <p>17 Q. Tell me what your understanding was about</p> <p>18 that?</p> <p>19 A. It was known as the Judicial Department, and</p> <p>20 they had a full-time judge.</p> <p>21 Q. And that's Judge Gordon?</p> <p>22 A. Yes.</p> <p>23 Q. Who is sitting here, whom you have sued in</p>	<p style="text-align: right;">Page 84</p> <p>1 Q. Do you remember interviewing for the</p> <p>2 magistrate's job when you applied to go back?</p> <p>3 A. I interviewed, but I don't recall, you know,</p> <p>4 what date or anything.</p> <p>5 Q. Who did you interview with?</p> <p>6 A. I believe it was Judge Gordon. And I'm not</p> <p>7 sure if Donna was there or not. I'm -- I'm</p> <p>8 not sure.</p> <p>9 Q. Donna Nicholson?</p> <p>10 A. Yes.</p> <p>11 (Defendants' Exhibit 10 was marked</p> <p>12 for identification.)</p> <p>13 Q. Let me show you Defendants' Exhibit Number 10,</p> <p>14 and ask if you can -- it's entitled</p> <p>15 Application for City of Dothan Employment.</p> <p>16 And just ask if you can identify if that was</p> <p>17 your application to go back to the</p> <p>18 magistrate's office.</p> <p>19 (Brief pause)</p> <p>20 A. Yes.</p> <p>21 Q. This may be a good time just to take a quick</p> <p>22 break.</p> <p>23 A. Please.</p>

21 (Pages 81 to 84)

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<p style="text-align: right;">Page 85</p> <p>1 (Brief recess)</p> <p>2 Q. We're back on the Record, Ms. Brackin. I was</p> <p>3 asking you about Defendants' Exhibit 10, your</p> <p>4 application to go back to the magistrate's</p> <p>5 office. And that's your signature; is that</p> <p>6 correct, on the --</p> <p>7 A. Yes.</p> <p>8 Q. -- back, page 6?</p> <p>9 And it's dated December 4th, 2000; is that</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. And do you know approximately when you went</p> <p>13 back to the magistrate's office?</p> <p>14 A. I believe it was in April of 2001.</p> <p>15 Q. And Judge Gordon would have been the</p> <p>16 individual selecting you to go back; is that</p> <p>17 your understanding?</p> <p>18 A. That's my understanding.</p> <p>19 Q. Now, one of the documents you produced to me</p> <p>20 today, I'm going to mark as Defendants'</p> <p>21 Exhibit 11.</p> <p>22 (Defendants' Exhibit 11 was marked</p> <p>23 for identification.)</p>	<p style="text-align: right;">Page 87</p> <p>1 Q. Do you know who got that job?</p> <p>2 A. I'm not sure if that's when Gayle had left and</p> <p>3 Donna got that position. I'm not -- I'm --</p> <p>4 I'm just not sure.</p> <p>5 Q. But Donna Nicholson was the municipal court</p> <p>6 administrator when you moved back over</p> <p>7 there --</p> <p>8 A. Yes.</p> <p>9 Q. -- in 2001?</p> <p>10 A. Yes.</p> <p>11 Q. What made you choose to go back to the</p> <p>12 magistrate's office?</p> <p>13 A. Just enjoyed being in that capacity and</p> <p>14 enjoyed the work.</p> <p>15 Q. Did it result in any pay change for you?</p> <p>16 A. I believe it did. I believe it was a pay</p> <p>17 increase because it -- yeah. It was a step up</p> <p>18 as far as the classifications between a</p> <p>19 secretary and a magistrate, were in different</p> <p>20 classifications.</p> <p>21 Q. Higher grade or --</p> <p>22 A. Yes.</p> <p>23 Q. -- higher class?</p>
<p style="text-align: right;">Page 86</p> <p>1 Q. And ask if you can -- it's a letter from</p> <p>2 Captain Jim Smith to Judge Gordon.</p> <p>3 A. Yes.</p> <p>4 Q. Is that correct?</p> <p>5 A. Uh-huh (positive response).</p> <p>6 Q. And that's dated December 30th, 1999?</p> <p>7 A. Yes.</p> <p>8 Q. Can you tell me what this is?</p> <p>9 A. It's a letter of recommendation.</p> <p>10 Q. On your behalf -- I mean, recommending you for</p> <p>11 the municipal court administrator?</p> <p>12 A. Yes.</p> <p>13 Q. Now, this was a year prior to your going back</p> <p>14 to the magistrate's job; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. All right. I'm looking at Defendants' Exhibit</p> <p>17 11.</p> <p>18 Were you seeking the job of municipal</p> <p>19 court administrator?</p> <p>20 A. I think I had applied, yes. I'm not sure.</p> <p>21 Q. And do you remember interviewing for that job?</p> <p>22 A. I don't -- I don't recall. I mean, I -- I</p> <p>23 don't remember.</p>	<p style="text-align: right;">Page 88</p> <p>1 Now, when you went back to the</p> <p>2 magistrate's office in 2001 -- I'm just trying</p> <p>3 to understand -- at that point the</p> <p>4 magistrate's office was here in the Civic</p> <p>5 Center.</p> <p>6 A. Yes.</p> <p>7 Q. And things had changed from when you were</p> <p>8 there before from the standpoint that there</p> <p>9 was now a Judicial Department; is that</p> <p>10 correct?</p> <p>11 A. Yes.</p> <p>12 Q. And Judge Gordon was head of that department;</p> <p>13 is that correct?</p> <p>14 A. Correct, to my knowledge.</p> <p>15 Q. She was a full-time municipal court judge?</p> <p>16 A. Yes.</p> <p>17 Q. Judge Bates or Judge Brown, did they continue</p> <p>18 in any capacity?</p> <p>19 A. At times, I think, whenever she was -- she had</p> <p>20 to recuse herself, they would act -- they</p> <p>21 would fill in.</p> <p>22 Q. And there was also a municipal court</p> <p>23 administrator. Was that a new function, or</p>

22 (Pages 85 to 88)

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- 1 was that what Gayle Schwarz had been?
 2 A. That's -- that was pretty much -- the title
 3 had just changed. But that was --
 4 **Q. Do you know that or just your understanding?**
 5 A. That's just my understanding.
 6 **Q. You don't really know for sure --**
 7 A. No. I mean, I wouldn't --
 8 **Q. -- what changes were made?**
 9 A. Well, Gayle was the immediate supervisor. And
 10 then when Donna got the job she was the
 11 immediate supervisor. So -- but the titles
 12 were different.
 13 **Q. And I'm just saying, you don't personally know**
 14 **if there were any changes in their duties or**
 15 **responsibilities?**
 16 A. No.
 17 **Q. When you went back over to the -- that's my**
 18 **phrase. When you went back over, back to the**
 19 **magistrate's office, the judicial office, who**
 20 **were the magistrates at that time?**
 21 A. Mary Turner, Sarah Fowler, Ann Baxter.
 22 Valerie Savage, and Debbie Irby, I believe.
 23 **Q. What were your job duties when you went back?**

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- 1 A. I'm not -- I mean, I don't -- I don't remember
 2 specifically what I was doing. I did a number
 3 of things.
 4 **Q. Can you tell me what they were?**
 5 A. Specifically, which function? I mean, I -- we
 6 would all do, like, different -- I mean, we
 7 would all work the window. We would take fine
 8 money. We would swear, do warrants. I mean,
 9 we all did.
 10 **Q. You all did --**
 11 A. We kind of.
 12 **Q. -- similar duties?**
 13 A. Yes. Yes.
 14 **Q. Did you rotate duties?**
 15 A. Sometimes we did if we needed to help somebody
 16 if they were behind or if we needed to -- you
 17 know, if they were out, you know, we would --
 18 we would pick up what they did or --
 19 **Q. Did some magistrates focus more on one duty as**
 20 **opposed to another?**
 21 A. Yeah. Some had specific areas that they were
 22 given responsibility over.
 23 **Q. Can you give me some examples there? Did you**

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- 1 have responsibility --
 2 A. Well --
 3 **Q. -- over a certain area?**
 4 A. At the time I was actually hired I don't
 5 remember what my actual, main function was.
 6 But I know that after that, like I would
 7 have the -- at some point in time, I was
 8 responsible for all the trials. I was
 9 responsible for the appeals, the daily
 10 deposits of the moneys. Gosh, let's see.
 11 **Q. Did y'all have like a --**
 12 A. Prisoners. That sort of thing.
 13 **Q. When you say "prisoners," what do you mean?**
 14 A. We do -- we do the prisoners once a week.
 15 **Q. What does that mean?**
 16 A. The people that were still in jail that had
 17 not made bond. And Sarah Fowler was the main
 18 person in charge of that, but I would help her
 19 out and get the paperwork prepared. And we
 20 would go work to do the prisoner paperwork.
 21 The judge would see the prisoners.
 22 **Q. You and Sarah had not worked together before**
 23 **at the magistrate's office; is that correct?**

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- 1 A. Yeah. Now, she was -- she was hired I believe
 2 before I left in '95. I'm not sure. I'm --
 3 I'm just not -- I'm not sure if she was there
 4 when I left in '95.
 5 **Q. Did you have any issues with Sarah Fowler?**
 6 A. No, not to my knowledge.
 7 **Q. Did she ever make complaints about you?**
 8 A. Not to knowledge.
 9 **Q. Were y'all friends outside of the workplace?**
 10 A. Uh-huh (positive response).
 11 **Q. Did y'all go to church together?**
 12 A. No.
 13 **Q. Did she go to the Daughters of the Nile?**
 14 A. No.
 15 **Q. What about Ann Baxter?**
 16 MR. JAFFREE: Again, you may think
 17 you're very clear in terms of
 18 what time period you're talking
 19 about, but you haven't been.
 20 When you asked her about Sarah,
 21 she said she may have started
 22 working before she left. I
 23 mean, that would've be in

23 (Pages 89 to 92)

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1 perhaps early '95. And then you
2 asked her about, ever have any
3 issues. So I don't know if
4 you're talking about '95 or back
5 in 2001 when she returned to
6 work. And the same with this
7 other magistrate you just
8 asked. I'm not sure what time
9 period you're talking about
10 unless you're talking about her
11 entire period of employment with
12 the City.

13 **Q. Do you know Ann Baxter?**

14 A. Yes.

15 **Q. Were you went back to the magistrate's office
16 in 2001, Ann Baxter was there; is that
17 correct? You just gave me her name as being
18 there.**

19 A. Yes.

20 **Q. Did she have any areas that she was
21 responsible for?**

22 A. I'm sure she did.

23 **Q. Do you now what they were?**

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1 A. No.

2 **Q. Did you know Ann Baxter before that time
3 frame?**

4 A. No.

5 **Q. And in 2001 when you went back, did you and
6 Ann Baxter have any issues or any inability to
7 work together in the workplace?**

8 A. Well, we worked together. I mean, I don't
9 know of anything that would have prevented us
10 from doing that.

11 **Q. Were you ever critical of her work?**

12 A. As far as to who? I mean, by telling her
13 or --

14 **Q. Her or anybody about her work performance?**

15 A. Not that I can recall. I mean, I don't --

16 **Q. Did you have any issues with Sarah -- at that
17 time in 2001, any issues with Sarah Fowler's
18 work?**

19 A. That I recall. No.

20 **Q. What about Valerie Savage, any issues with her
21 work?**

22 A. Not that I recall.

23 **Q. Debbie Irby, any issues with her work**

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1 **performance?**

2 A. I believe Debbie worked -- I'm not sure if
3 Debbie worked nights or not. I don't -- I
4 didn't work that close with Debbie. I
5 don't -- I don't recall anything with Debbie.

6 **Q. But Mary Turner, did you have any issues with
7 her work performance?**

8 A. With her work performance?

9 **Q. Yes.**

10 A. I don't -- I mean, I don't know all of
11 everybody's work performance as far as -- you
12 know, I mean, if people -- if they made
13 errors, I brought it to their attention. But
14 as far as their work performance, I didn't --
15 I didn't critique what their work performance
16 was.

17 **Q. That was not your job, was it?**

18 A. No. I mean, I --

19 **Q. And you don't always know what these
20 individuals were doing on a given time period,
21 do you, as far as what work duties they were
22 doing, what work they were performing?**

23 A. Well, not during the day, but we all -- we had

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1 a schedule of who was responsible for certain
2 assigned tasks. So like if I knew that I had
3 a question about an appeal, I knew that
4 Valerie at some point in time did appeals so I
5 could go ask her something, if that's what
6 you're referring to.

7 **Q. But you were not their supervisor, were you?**

8 A. No. No.

9 **Q. Did the department have any type of computer
10 system that they worked with?**

11 A. We, at the time when I went back, we were
12 still using the same system that we had in '92
13 when we started.

14 **Q. What was that?**

15 A. It was a program that one of the city
16 programmers came up with. I mean, I don't --

17 **Q. Did it have a name?**

18 A. I don't know. It was -- it was a
19 special -- nobody else had it. It was our
20 special program for the municipal court.

21 **Q. I'm not a technology person?**

22 A. I know.

23 **Q. But what did it do for the department?**

24 (Pages 93 to 96)

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<p>1 A. It held all the files as far as the computer</p> <p>2 files of all the actions with the municipal</p> <p>3 court. I -- that's where we got our dockets</p> <p>4 from and if you needed to look up cases.</p> <p>5 Q. Did that change at some point?</p> <p>6 A. Yes.</p> <p>7 Q. And when did that change?</p> <p>8 A. I'm not sure when we started to implement the</p> <p>9 new computer system. I'm not sure when that</p> <p>10 date was.</p> <p>11 Q. Did the new system have a name?</p> <p>12 A. It was HTE.</p> <p>13 Q. Did you have any role in --</p> <p>14 A. Yes.</p> <p>15 Q. -- that new computer system?</p> <p>16 MR. JAFFREE: Let her finish her</p> <p>17 question.</p> <p>18 THE WITNESS: Oh, okay. I'm sorry.</p> <p>19 Q. Yeah. Did you have any role in that new</p> <p>20 computer system being put into effect?</p> <p>21 A. Yes.</p> <p>22 Q. And what was your role?</p> <p>23 A. I was actually asked by Tim Stewart to -- they</p>	<p>1 Q. And different people had different</p> <p>2 responsibilities in inputting information; is</p> <p>3 that correct?</p> <p>4 A. Yes.</p> <p>5 Q. Did you have responsibilities to key in</p> <p>6 information?</p> <p>7 A. Yes.</p> <p>8 Q. And just can you -- I'm trying to understand.</p> <p>9 Tell the types of information you would've</p> <p>10 keyed in.</p> <p>11 A. I would issue the subpoenas if cases were set</p> <p>12 for trial. If I was working the front window,</p> <p>13 I took in fine money from people paying their</p> <p>14 tickets or paying on a case that they owed</p> <p>15 money on.</p> <p>16 Q. So was that more like a cashier function?</p> <p>17 A. No. You had to be a magistrate to take --</p> <p>18 because you're taking a guilty plea from a --</p> <p>19 from a defendant. You would have to actually</p> <p>20 be in the magistrate capacity to take fine and</p> <p>21 costs money.</p> <p>22 Q. I understand that. But then they could</p> <p>23 actually be paying -- if I got a speeding</p>
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<p>1 needed a magistrate to kind of not -- well, I</p> <p>2 guess to be the one to work with, to make sure</p> <p>3 that the -- everything from the old system</p> <p>4 transferred to the new system as far as asking</p> <p>5 questions about magistrate duties and the</p> <p>6 functions of what, you know, a case had in</p> <p>7 tune of the new computer system and that sort</p> <p>8 of thing and working with the programmers that</p> <p>9 came from Washington and --</p> <p>10 Q. Now, who is Tim Stuart?</p> <p>11 A. He is the IT department head.</p> <p>12 Q. And the programmers were from Washington,</p> <p>13 D.C.?</p> <p>14 A. State of Washington.</p> <p>15 Q. Washington state.</p> <p>16 And I take, a lot of information has to be</p> <p>17 keyed into the computer?</p> <p>18 A. Yes.</p> <p>19 Q. And who did that?</p> <p>20 A. What information?</p> <p>21 Q. Okay. That's what I'm trying to -- lots of</p> <p>22 information, obviously?</p> <p>23 A. Yes. Yes.</p>	<p>1 ticket, say, I could come to the magistrate</p> <p>2 window --</p> <p>3 A. And if you wished to plead guilty --</p> <p>4 Q. -- and pay my fine?</p> <p>5 A. Plead guilty.</p> <p>6 Q. Well, just pay; I'm pleading guilty?</p> <p>7 A. Yes. Yes.</p> <p>8 Q. You take my money?</p> <p>9 A. Yes.</p> <p>10 Q. I mean, that's what I'm asking. Is there a</p> <p>11 cash register there? I mean, is there a --</p> <p>12 A. It was done on a computer, and there was a</p> <p>13 receipt -- receipt printer that's attached to</p> <p>14 the computer.</p> <p>15 Q. And you're keying that information in the</p> <p>16 system also?</p> <p>17 A. Yes.</p> <p>18 Q. And could be making change?</p> <p>19 A. Yes.</p> <p>20 Q. And that's called the front window?</p> <p>21 A. Yes. That's what we refer to it as.</p> <p>22 Q. Is that a place you generally worked?</p> <p>23 A. We would rotate. We had different times that</p>

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1 we would rotate and work the front window.
2 **Q. I was, again, trying to get ideas of**
3 **information that's keyed in the system. It**
4 **could be anything from keying in the payment**
5 **of a fine to --**
6 A. Well, from the -- from the initial time
7 whenever the magistrate receives the ticket,
8 that ticket is keyed in. We have a person
9 responsible for keying in the tickets, that
10 would assign them case numbers. Then we have
11 somebody also keying in cases that if they
12 were arrested on. So there was just different
13 processes that a case would take. But,
14 initially, it started off with a complaint
15 that was keyed into the computer. And then
16 the process would go from there.
17 **Q. And how long did it take for this new HTE**
18 **system to be implemented?**
19 A. To -- actually to where we were live on that
20 system from the old system?
21 **Q. Yes.**
22 A. Is that what you're talking about? I'm not --
23 I'm not sure. I would have to actually -- you

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1 know, we -- we would probably need to talk to
2 the IT department about that. I'm not --
3 **Q. It could've been months or weeks or --**
4 A. I think it was months. I'm not sure how
5 many. I mean, it could've been two or three.
6 It could've been more than that. I'm just not
7 sure. I don't remember when we went live.
8 **Q. And you don't know the exact date the change**
9 **was made?**
10 A. No.
11 **Q. Was there training done?**
12 A. Yes.
13 **Q. And of training done?**
14 A. Yes.
15 **Q. Did it take some time to -- strike that.**
16 **Did you have any issues with this new HTE**
17 **system?**
18 A. There was some -- some things that as far as
19 to where it would work better for our routine
20 with a case. We had to get them to kind of
21 tweak a few things.
22 **Q. Any problems with the system or --**
23 A. We had some issues with some things, but they

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1 were eventually worked out.
2 **Q. You went back to the magistrate's office in**
3 **2001. On Defendants' Exhibit 11, you told me**
4 **you had expressed interest in a municipal**
5 **court administrator job.**
6 **Are there any other jobs that you sought**
7 **after 1999? Did you seek -- that's a bad**
8 **question. Strike that.**
9 **After 2001 you moved back to the**
10 **magistrate's office. Did you ever seek any**
11 **other job positions at the City of Dothan?**
12 A. I -- not -- I don't recall. Not to my
13 knowledge. I mean, if I did, I don't
14 remember.
15 **Q. You said Donna Nicholson was there when you**
16 **went back to the magistrate's office in 2001;**
17 **is that correct?**
18 A. Yes.
19 **Q. And there was a time that she left; is that**
20 **your understanding, that she left the**
21 **employment of the City of Dothan?**
22 A. Yes.
23 **Q. Do you know why she left?**

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1 A. She was terminated.
2 **Q. Do you know why, I mean?**
3 A. From what I understand, it had something to do
4 with allowing a magistrate to take leave and
5 it was not on her -- I don't want to say time
6 card but --
7 **Q. But you don't really know, do you, why she**
8 **left? I mean, you said, it was your**
9 **understanding, but do you have personal**
10 **knowledge as to why she was terminated?**
11 A. From what Donna told me.
12 **Q. What Donna herself told you?**
13 A. Yes.
14 **Q. But that's all you know, is what Donna told**
15 **you?**
16 A. Yes.
17 **Q. Did that leave a vacancy in her position as**
18 **municipal court administrator?**
19 A. Yes.
20 **Q. Did you ever seek that job --**
21 A. No.
22 **Q. -- again?**
23 A. No.

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<p style="text-align: right;">Page 105</p> <p>1 Q. And who took her place?</p> <p>2 A. Bettye King.</p> <p>3 Q. And how long -- did you report to Bettye King?</p> <p>4 A. Yes.</p> <p>5 Q. And how long did you report to Bettye King?</p> <p>6 A. I don't -- I'm not sure when Bettye left. I</p> <p>7 don't -- I don't remember.</p> <p>8 Q. Did --</p> <p>9 A. I don't think she was there very long.</p> <p>10 (Defendants' Exhibit 12 was marked</p> <p>11 for identification.)</p> <p>12 Q. Switching gears just a moment here.</p> <p>13 I'm going to show you what I've marked as</p> <p>14 Defendants' Exhibit Number 12. Is that your</p> <p>15 signature, Ms. Brackin?</p> <p>16 A. Yes.</p> <p>17 Q. And can you tell me your understanding of what</p> <p>18 that is?</p> <p>19 A. It's -- it's the Certification of</p> <p>20 Understanding for the Position of Magistrate.</p> <p>21 Q. In essence, did you sign that when you applied</p> <p>22 to go back to the magistrate's office?</p> <p>23 A. Yes.</p>	<p style="text-align: right;">Page 107</p> <p>1 Q. When you signed Defendants' Number 12, that</p> <p>2 you knew you had a certain time to get</p> <p>3 certified, you were actually certified?</p> <p>4 A. Yes. Yes.</p> <p>5 Q. I just wanted to clarify that.</p> <p>6 Were you ever evaluated in a performance</p> <p>7 evaluation by Donna Nicholson?</p> <p>8 A. Yes.</p> <p>9 (Defendants' Exhibit 14 was offered</p> <p>10 and admitted into evidence.)</p> <p>11 Q. I'll mark, for the Record, Defendants' Exhibit</p> <p>12 14 and ask if you can identify that for me,</p> <p>13 please.</p> <p>14 Brief pause)</p> <p>15 Q. Is that your signature on the last page of</p> <p>16 that evaluation?</p> <p>17 A. Yes.</p> <p>18 Q. And that was -- excuse me for looking over</p> <p>19 here. Your evaluating supervisor is -- is</p> <p>20 that Donna Nicholson's --</p> <p>21 A. Yes.</p> <p>22 Q. -- signature?</p> <p>23 A. Yes, it is.</p>
<p style="text-align: right;">Page 106</p> <p>1 Q. In essence -- and I'm just trying to move</p> <p>2 things along, your understanding that you knew</p> <p>3 you had to get certified, or may be you were</p> <p>4 certified?</p> <p>5 A. I was already certified.</p> <p>6 Q. That's what I --</p> <p>7 A. Right. Right.</p> <p>8 (Defendants' Exhibit 13 was marked</p> <p>9 for identification.)</p> <p>10 Q. I'll show you Defendants' Exhibit Number 13.</p> <p>11 A. Right.</p> <p>12 Q. Is that your certification?</p> <p>13 A. Yes.</p> <p>14 Q. So I just wanted to -- this is your</p> <p>15 certification that you are a certified</p> <p>16 municipal court clerk/magistrate?</p> <p>17 A. Yes.</p> <p>18 Q. And you obtained that in June of '97?</p> <p>19 A. Yes.</p> <p>20 Q. I think you testified to that previously. You</p> <p>21 got that while you were at the police</p> <p>22 department?</p> <p>23 A. Yes.</p>	<p style="text-align: right;">Page 108</p> <p>1 Q. And she completed that on about August 1 of</p> <p>2 2001; is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. And you had been in the department at that</p> <p>5 time about four months?</p> <p>6 A. Yes.</p> <p>7 Q. And did you have a chance to comment on your</p> <p>8 performance review?</p> <p>9 A. Yes.</p> <p>10 Q. And what did you write?</p> <p>11 A. "I concur."</p> <p>12 MR. JAFFREE: You like that word.</p> <p>13 Q. When you wrote, I guess -- I mean, had --</p> <p>14 Donna Nicholson had signed up at the top page</p> <p>15 in July 27th, 2001?</p> <p>16 A. Right.</p> <p>17 Q. And Judge Gordon had commented -- made some</p> <p>18 written comments on August 1; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know about when Donna Nicholson left?</p> <p>21 A. No, I do not remember.</p> <p>22 Q. Do you know if she evaluated you on more than</p> <p>23 one occasion?</p>

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<p>1 A. Yes.</p> <p>2 (Defendants' Exhibit 15 was marked</p> <p>3 for identification.)</p> <p>4 Q. I'm going to show you another evaluation,</p> <p>5 which I've marked as Defendants' Exhibit</p> <p>6 Number 15, and ask if you can identify that</p> <p>7 for me, please.</p> <p>8 (Brief pause)</p> <p>9 Q. Is that your evaluation, Ms. Brackin,</p> <p>10 for -- that was given to you in November of</p> <p>11 2001?</p> <p>12 A. Yes.</p> <p>13 Q. And, again, I think you testified earlier</p> <p>14 because you were deemed still -- you had just</p> <p>15 gone back to the magistrate's office. Is it</p> <p>16 your understanding that because of that, you</p> <p>17 were evaluated your first year more frequently</p> <p>18 than after being in the position for a while?</p> <p>19 A. Yes.</p> <p>20 Q. I'm looking at number eight here. It's called</p> <p>21 Dealing with the Public, and the comment is,</p> <p>22 "Recently there have been complaints from</p> <p>23 attorneys regarding the way they were talked</p>	<p>1 an influence on it.</p> <p>2 Q. Are you aware of any attorneys that complained</p> <p>3 about you?</p> <p>4 A. No.</p> <p>5 Q. Now, I'm looking on the third page of this</p> <p>6 evaluation, and it's a typed page. At the</p> <p>7 top, it says, "November 14th, 2001." It's</p> <p>8 signed by Donna Nicholson and yourself; is</p> <p>9 that correct?</p> <p>10 A. Yes.</p> <p>11 Q. And it says that Donna -- these have been</p> <p>12 discussed with plans established for</p> <p>13 improvement; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. One of the areas for improvement was</p> <p>16 "interaction with co-workers and the public;"</p> <p>17 is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. Did Donna discuss that with you?</p> <p>20 A. It -- she discussed that with me, yes.</p> <p>21 Q. And to "know the limits of advising public of</p> <p>22 their rights and giving them the information</p> <p>23 they need to make decisions affecting their</p>
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<p>1 to by Mary Beth." And you received a one,</p> <p>2 which is unsatisfactory; is that correct?</p> <p>3 A. Yes.</p> <p>4 Q. Did Donna discuss that with you during this</p> <p>5 evaluation?</p> <p>6 A. Nothing other than what she wrote on there, to</p> <p>7 my knowledge. That's -- that's all I recall.</p> <p>8 I don't recall her mentioning any specific.</p> <p>9 Q. Did you ask her about that?</p> <p>10 A. No.</p> <p>11 Q. Were you not concerned that you had received</p> <p>12 an unsatisfactory in that area?</p> <p>13 A. I know that that was after my first internal</p> <p>14 investigation.</p> <p>15 Q. Okay. And your first internal investigation</p> <p>16 referring to the -- I'm calling the Ralpeje?</p> <p>17 A. Yes.</p> <p>18 Q. And that's R-A-L-P-E-J-E --</p> <p>19 A. Yes.</p> <p>20 Q. -- matter?</p> <p>21 I mean, do you think that had something to</p> <p>22 do with a complaint that had been received?</p> <p>23 A. I think giving me the unsatisfactory, that had</p>	<p>1 case;" is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. And y'all discussed that?</p> <p>4 A. That's what she has on there.</p> <p>5 Q. Well, I mean, do you remember discussing that?</p> <p>6 A. I don't remember discussing it in detail with</p> <p>7 her. I know that -- I feel like because of</p> <p>8 the outcome of the internal that that's --</p> <p>9 that's what the reprimand was for.</p> <p>10 Q. And there were recommendations for</p> <p>11 improvement. And the first one is</p> <p>12 "realization that tone of voice and attitude</p> <p>13 are important in conveying messages?"</p> <p>14 A. Yes.</p> <p>15 Q. Do you remember her discussing your tone of</p> <p>16 voice and your attitude?</p> <p>17 A. I don't remember her discussing it in detail.</p> <p>18 Q. Did you ever ask her what she meant?</p> <p>19 A. I don't recall if I did. I don't -- I don't</p> <p>20 remember.</p> <p>21 Q. And the second one was "develop the ability to</p> <p>22 give defendants all necessary information</p> <p>23 regarding the charges against them, the court</p>

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1 processes, and their options without appearing
2 to make suggestions or helping to make
3 decisions for them."

4 Do you remember her discussing that with
5 you?

6 A. She didn't -- I don't remember the detail, but
7 we were -- we did go over that.

8 Q. And then I'm on the next-to-the-last page
9 where Donna has written that Mary Beth is a
10 good dependable worker who is very efficient.
11 She does need to realize that the manner in
12 which she sometimes talks to people can be
13 considered argumentative or abrasive. She needs
14 to improve in this area.

15 You saw that on the evaluation; is that
16 correct?

17 A. Yes.

18 Q. And did you question her in any way about that
19 or what she meant?

20 A. No, not -- not to my knowledge. I don't
21 recall if -- you know, if I did.

22 Q. Did you and Donna have any disagreement
23 between the two of you as to the inability to

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1 get along?

2 A. Not to my knowledge.

3 Q. And I think this is Judge Gordon's writing,
4 something to the same effect about
5 your -- "the manner in which she sometimes
6 talks to people can be considered
7 argumentative and abrasive. With the
8 exception of this area, Mary Beth will make
9 one of the best of magistrates we have.
10 Unfortunately, this job requires constant
11 interaction with co-workers, the public, and
12 other. This area is so important to what we
13 do that if Mary Beth does not improve in this
14 area, I would not be able to recommend
15 retention."

16 Do you remember writing that?

17 A. I didn't write that.

18 Q. I said, do you remember Judge Gordon writing
19 that?

20 A. I don't -- Judge Gordon did not go over this
21 with me. I don't -- I don't --

22 Q. You don't remember seeing that?

23 A. I mean, I saw that, but I don't remember her

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1 writing it.

2 Q. Okay. Her writing. Okay. And, again, I may
3 have asked you this. You had a chance to
4 offer a comment, and what did you put?

5 A. I put "concur."

6 Q. Now, you just testified that before receiving
7 this evaluation, that I think one of the
8 internal investigations had taken place?

9 A. Yes.

10 Q. And I have used the name Ralpeje. I keep
11 saying it the wrong way I think. But do you
12 recognize that name?

13 A. Yes.

14 Q. And who is Ralpeje?

15 A. She had some cases in the Municipal Court of
16 Dothan.

17 Q. And did you ever have any interaction with
18 her?

19 A. Yes.

20 Q. And do you remember whether or not she was
21 represented by counsel when she was in
22 municipal court?

23 A. When she was actually in court that day?

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1 Q. Yeah. Now, "that day." I'm like your lawyer
2 now.

3 A. I don't --

4 Q. Let's talk about when we're talking about. Do
5 you remember a time that she was in court that
6 led to an investigation regarding some
7 comments made by you?

8 A. Yes.

9 Q. Do you remember about when that was?

10 A. It was the -- the actual incident, I think,
11 happened in September of '01. The actual
12 incident was September 25th, 2001.

13 Q. And what are you referring to -- you're
14 referring to a letter that you produced to me?

15 A. Yes.

16 Q. I'm going to mark that as Defendants' Exhibit
17 Number 16.

18 (Defendants' Exhibit 16 was marked
19 for identification.)

20 Q. That's a letter that you produced to me.
21 That's to you from Judge Gordon; is that
22 correct?

23 A. Yes.

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<p style="text-align: right;">Page 117</p> <p>1 Q. Tell me what you remember about that day.</p> <p>2 Ms. Ralpeje was in court?</p> <p>3 A. I was working -- at this time, the offices had</p> <p>4 moved to another location, and it was where</p> <p>5 the magistrates' offices were upstairs. And</p> <p>6 our window that was opened to the public was</p> <p>7 downstairs.</p> <p>8 And on that particular day, I was working</p> <p>9 downstairs at the window. And she, along with</p> <p>10 a bondsman and her mother came in, and the</p> <p>11 bondsman was on his cellular phone.</p> <p>12 Q. The bondsman's name was Mr. Turner; is that</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. What bonding company was he with?</p> <p>16 A. I'm not sure. I don't remember.</p> <p>17 He was on the phone with his -- or was on</p> <p>18 his cellular phone during our conversation --</p> <p>19 my conversation with the defendant. And her</p> <p>20 mother was sitting down in one of our chairs</p> <p>21 in the lobby.</p> <p>22 Q. And the defendant being?</p> <p>23 A. The defendant stated that she had just come --</p>	<p style="text-align: right;">Page 119</p> <p>1 at that time, didn't you?</p> <p>2 A. I don't recall if I knew for sure it was him</p> <p>3 or if it was another public defender.</p> <p>4 MR. JAFFREE: Excuse me. Is this</p> <p>5 cross, or are you asking her</p> <p>6 questions?</p> <p>7 MS. NELSON: I'm asking her</p> <p>8 questions. Yeah. It's all</p> <p>9 across if you ask me.</p> <p>10 MR. JAFFREE: Okay. Because it</p> <p>11 sounds like you were</p> <p>12 cross-examining her.</p> <p>13 MS. NELSON: Well, I hope that's</p> <p>14 what I'm doing.</p> <p>15 MR. JAFFREE: But she indicated that</p> <p>16 she wasn't sure who the public</p> <p>17 defender was. You said you know</p> <p>18 it was so-and-so.</p> <p>19 Q. Well, you made negative comments about Shaun</p> <p>20 McGhee to Ms. Ralpeje, didn't you?</p> <p>21 A. No, I did not.</p> <p>22 Q. And Mr. Turner heard those comments, didn't</p> <p>23 he?</p>
<p style="text-align: right;">Page 118</p> <p>1 Q. The defendant is Ms. Ralpeje?</p> <p>2 A. Yes.</p> <p>3 She stated that she had just come from</p> <p>4 court and she was not satisfied with her</p> <p>5 public defender and how he represented her.</p> <p>6 And I advised her that she needed to go back</p> <p>7 to the courtroom and talk to the judge and ask</p> <p>8 the judge if she can get other counsel, that</p> <p>9 we have two other public defenders.</p> <p>10 Q. And you knew the public defender, didn't you?</p> <p>11 A. No, I -- we don't -- all we have in the</p> <p>12 computer is public defender. We don't know.</p> <p>13 It could be any one of the three that's over</p> <p>14 there.</p> <p>15 Q. It's your testimony you didn't know who her</p> <p>16 public defender was?</p> <p>17 A. At the -- at the time she was speaking to me?</p> <p>18 Q. Yes.</p> <p>19 A. I don't if I -- if I knew his actual name or</p> <p>20 not.</p> <p>21 Q. Do you know Shaun McGhee?</p> <p>22 A. Yes.</p> <p>23 Q. And you knew that Shaun McGhee was her lawyer</p>	<p style="text-align: right;">Page 120</p> <p>1 A. He -- he claims he did, but I did not say</p> <p>2 that. I would not say --</p> <p>3 Q. Say what?</p> <p>4 A. Whatever she claimed I said. I would not say</p> <p>5 anything negative about a public defender. I</p> <p>6 would not do that.</p> <p>7 Q. And you didn't tell her that Shaun --</p> <p>8 something to the effect that Shaun McGhee was</p> <p>9 not a good lawyer, that he shouldn't have</p> <p>10 entered a plea for her, or she should get a</p> <p>11 new lawyer?</p> <p>12 A. No, ma'am.</p> <p>13 Q. Nothing of that nature?</p> <p>14 A. I did not -- I did not speak in critical</p> <p>15 regard to him.</p> <p>16 Q. But you know for a fact that she made a</p> <p>17 complaint or Mr. Turner reported that you had</p> <p>18 made derogatory comments about Mr. McGhee?</p> <p>19 A. That's what was told to me whenever I went for</p> <p>20 my internal.</p> <p>21 Q. How did you know that your comments were being</p> <p>22 investigated?</p> <p>23 A. I got a phone call. I'm not sure if it was</p>

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<p style="text-align: right;">Page 121</p> <p>1 that day or the next day or what. I got a</p> <p>2 phone call from Sergeant Gray that asked me</p> <p>3 if -- let me look at my notes.</p> <p>4 Q. So I can be with you, what are you referring</p> <p>5 to here, these notes you gave me?</p> <p>6 A. Yes.</p> <p>7 Q. Can you show me what you are referring to?</p> <p>8 A. It looks like this (indicating).</p> <p>9 (Defendants' Exhibit 17 was marked</p> <p>10 for identification.)</p> <p>11 Q. I'm going to mark this, what you're looking at</p> <p>12 as Defendants' Exhibit 17. And I've got two</p> <p>13 pages?</p> <p>14 A. Yeah. Front and back. Yes.</p> <p>15 Q. So you're referring to some notes,</p> <p>16 Ms. Brackin?</p> <p>17 A. Yes.</p> <p>18 Q. And when did you prepare these notes?</p> <p>19 A. I prepared them after this happened.</p> <p>20 Q. And what did you prepare them?</p> <p>21 A. Prepare them in?</p> <p>22 Q. It's a notebook?</p> <p>23 A. It's paper that I had or whatever I had</p>	<p style="text-align: right;">Page 123</p> <p>1 she told me that I was being internally</p> <p>2 investigated for this incident.</p> <p>3 Q. Now what incident did she tell you about?</p> <p>4 A. For the alleged complaint that -- the Ralpeje</p> <p>5 incident.</p> <p>6 Q. Okay. Do you know who made that complaint,</p> <p>7 whether it was Ralpeje --</p> <p>8 A. No, I don't.</p> <p>9 Q. Or Mr. Turner, the bondsman?</p> <p>10 A. No, I do not.</p> <p>11 Q. Or if it was all of them?</p> <p>12 A. I don't know.</p> <p>13 Q. But you knew it was about that incident?</p> <p>14 A. Yes.</p> <p>15 Q. And if you'll continue. You said the judge</p> <p>16 said you were -- that incident was being</p> <p>17 investigated.</p> <p>18 A. Internally investigated. And then I went back</p> <p>19 to my office, and Michelle Sellers brought</p> <p>20 over a paper for me to sign, which is this one</p> <p>21 (indicating), Exhibit 16. And I -- I would</p> <p>22 report to the chief's conference room on a</p> <p>23 date and time, and I told her that I was not</p>
<p style="text-align: right;">Page 122</p> <p>1 available at home to write on.</p> <p>2 Q. So you just went home that night and wrote</p> <p>3 this down?</p> <p>4 A. It might have been night. It could've been</p> <p>5 couple days later.</p> <p>6 Q. Okay. Go ahead.</p> <p>7 A. So what was the question.</p> <p>8 Q. The question was, how did you -- how were you</p> <p>9 advised that, you know, this incident was</p> <p>10 being investigated.</p> <p>11 A. Sergeant Keith Gray called me. I was working</p> <p>12 in my office, and he said, I needed to come to</p> <p>13 the chief's conference room for an internal</p> <p>14 investigation.</p> <p>15 Q. Okay. And what did you say?</p> <p>16 A. I asked him what it was about.</p> <p>17 Q. And what did he say?</p> <p>18 A. He said, "The judge didn't talk to you about</p> <p>19 it?"</p> <p>20 And I said, "No, she didn't."</p> <p>21 And he then said he would call me back.</p> <p>22 Q. So just tell me what happened.</p> <p>23 A. I was called over to the judge's office, and</p>	<p style="text-align: right;">Page 124</p> <p>1 signing just yet until I glanced over it,</p> <p>2 looked over it good. And she told me that if</p> <p>3 I didn't, I would be insubordinate.</p> <p>4 Q. Okay. So did you go sign it?</p> <p>5 A. I signed it, yes.</p> <p>6 Q. Okay. I'm going to look at your sheet here.</p> <p>7 A. Okay.</p> <p>8 Q. Now, the front page is -- you wrote "9/25/01;"</p> <p>9 is that correct?</p> <p>10 A. Uh-huh (positive response).</p> <p>11 Q. But the back page has got November 2001?</p> <p>12 A. Right.</p> <p>13 Q. Now, I thought it was your testimony that you</p> <p>14 went home after and filled this out?</p> <p>15 A. Well, it could've been -- it could've been</p> <p>16 after. I said it could've been after that.</p> <p>17 It could have a few days the later. It</p> <p>18 could've been later. I don't remember when I</p> <p>19 actually wrote it.</p> <p>20 Q. But you wrote it after you were aware that the</p> <p>21 matter was going to be investigated?</p> <p>22 A. Yes. Internally investigated.</p> <p>23 Q. So on this date, 9/25/01, did you know you</p>

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<p style="text-align: right;">Page 125</p> <p>1 were being investigated?</p> <p>2 A. No.</p> <p>3 Q. You're saying that date represents --</p> <p>4 A. That's the date the incident happened.</p> <p>5 Q. It's your testimony you wrote this after you</p> <p>6 knew about the investigation?</p> <p>7 A. The internal -- when I was going to be</p> <p>8 internally investigated.</p> <p>9 Q. Okay. And Number 16, which is the letter you</p> <p>10 gave me, is the letter from Judge Gordon that</p> <p>11 you were -- the matter was going to be</p> <p>12 investigated, and you were supposed to report</p> <p>13 to Sergeant Gray and Sergeant Coleman for</p> <p>14 administrative interviews?</p> <p>15 A. Yes.</p> <p>16 Q. And you signed the bottom of it; is that</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. And were you interviewed?</p> <p>20 A. Yes, I was.</p> <p>21 Q. By whom?</p> <p>22 A. Sergeant Gray and Sergeant Coleman.</p> <p>23 Q. And did they ask you questions?</p>	<p style="text-align: right;">Page 127</p> <p>1 A. I -- if I did, I don't remember. I don't</p> <p>2 remember.</p> <p>3 Q. Did you ever call him at home about the</p> <p>4 investigation?</p> <p>5 A. I -- I don't remember. I mean, if I did, I</p> <p>6 don't remember.</p> <p>7 Q. Could have?</p> <p>8 A. I just don't -- I don't remember. I mean, I</p> <p>9 don't know -- probably know his home number.</p> <p>10 If I -- you know, I don't know how I would</p> <p>11 have gotten that.</p> <p>12 Q. Was any action taken against you, disciplinary</p> <p>13 action, as a result of this?</p> <p>14 A. The only thing that I can say that I feel like</p> <p>15 might have been was what my evaluation</p> <p>16 resulted, in marking of my evaluation.</p> <p>17 Q. And that was the evaluation that we just</p> <p>18 discussed, which was Defendants' 15?</p> <p>19 A. Yes.</p> <p>20 (Brief pause)</p> <p>21 Q. Do you know if Shaun McGhee continued to</p> <p>22 represent Ms. Ralpeje --</p> <p>23 A. I don't know.</p>
<p style="text-align: right;">Page 126</p> <p>1 A. Yes.</p> <p>2 Q. Do you remember -- did it involve the Ralpeje</p> <p>3 issue?</p> <p>4 A. Yes.</p> <p>5 Q. Did it involve making statements about Shaun</p> <p>6 McGhee?</p> <p>7 A. Yes.</p> <p>8 Q. Did they, in any way, state that complaints</p> <p>9 had been made about what you had said about</p> <p>10 Shaun McGhee?</p> <p>11 A. I don't recall all of what was said in that.</p> <p>12 I asked for copies of what happened during</p> <p>13 that, and I never received anything. I can</p> <p>14 remember that they were questioning me and</p> <p>15 pretty much trying to get me to agree with</p> <p>16 what they had complained about.</p> <p>17 Q. Did you ever have any discussions with Shaun</p> <p>18 McGhee about the complaint that had been made</p> <p>19 against you?</p> <p>20 A. If I did, I don't recall. I don't recall.</p> <p>21 Q. Did you ever have any discussions with</p> <p>22 Mr. Turner about what he had overheard you</p> <p>23 say?</p>	<p style="text-align: right;">Page 128</p> <p>1 Q. -- after they came to your window?</p> <p>2 A. I don't know.</p> <p>3 (Defendants' Exhibit 18 was marked</p> <p>4 for identification.)</p> <p>5 Q. I'm going to show what I marked as Defendants'</p> <p>6 Exhibit 18 and ask you if you can identify</p> <p>7 that, please, ma'am.</p> <p>8 (Brief pause)</p> <p>9 Q. Ms. Brackin, do you recognize that document?</p> <p>10 A. Yes.</p> <p>11 Q. It's another performance evaluation on</p> <p>12 yourself; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. And did you sign that one?</p> <p>15 A. Yes.</p> <p>16 Q. It is dated February of 2002; is that correct?</p> <p>17 A. That's correct.</p> <p>18 Q. And you signed it; is that correct?</p> <p>19 A. Yes.</p> <p>20 Q. And, again, you had a change to comment on it,</p> <p>21 and you used what terms?</p> <p>22 A. "I concur."</p> <p>23 Q. I concur?</p>

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<p>1 Now, this one is not completed by Donna 2 Nicholson? 3 A. Yes. 4 Q. Had she left at that time? 5 A. I assume. 6 Q. Do you know, was it completed by Judge Gordon? 7 A. Yes. 8 Q. Do you remember Judge Gordon going over this 9 with you? 10 A. She -- I assume she did. 11 Q. Don't remember? 12 A. I don't recall. 13 Q. And it was a satisfactory review; is that 14 correct? 15 A. Yes. 16 Q. I'm trying to -- looks like "Mary Beth has had 17 some problems" -- anyone -- "adjusting to a 18 new job?" 19 A. I don't know. I couldn't make that out. 20 MR. JAFFREE: Let me object to any 21 questions that you're going to 22 ask about that comment since 23 Ms. Brackin has said she doesn't</p>	<p>1 her questions about that 2 notation after your conference 3 with several people to try to 4 figure out what it said. 5 MS. NELSON: Well, I can try to get 6 you a better quality. You're 7 right. If it's legible, I can 8 still ask her what she 9 remembers, even though she can't 10 read the writing. 11 MR. JAFFREE: You're asking her if 12 she remembers that statement, 13 which she said she didn't 14 understand. 15 Q. Do you remember the judge telling you that she 16 was hopeful that your attitude would continue 17 to improve as you worked on the job? 18 MR. JAFFREE: I think her testimony 19 was that she didn't remember 20 talking to the judge about that 21 evaluation. I think that was 22 her earlier testimony. 23 MS. NELSON: Well, I think she said</p>
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<p>1 understand it. And counsel is 2 asking questions I don't 3 understand. 4 MS. NELSON: Well, I'm just having a 5 hard time reading the -- it's 6 between the copy not being -- I 7 have the right to at least 8 question her once I can read 9 it. She might can remember it. 10 MR. JAFFREE: Well, she indicated 11 that she can't understand what 12 it is. 13 MS. NELSON: But if I'm able to read 14 it, she might have -- 15 MR. JAFFREE: But she may not. 16 MS. NELSON: Well, I have a right to 17 ask. Your objection is noted. 18 MR. JAFFREE: There's several people 19 reading this document, trying to 20 figure out what she said. 21 (Brief recess) 22 MR. JAFFREE: Again, just for the 23 Record, I object to you asking</p>	<p>1 she was sure the judge reviewed 2 it with her, but she, you know, 3 didn't remember specifically. 4 Q. Is that what you said? 5 A. Yes. 6 Q. You were still in your probationary period at 7 this point, weren't you? 8 A. I'm not sure. What's the date. 9 Q. February 22, 2002? 10 A. I'm not sure if we six months or a year. I'm 11 not sure. 12 Q. If you it were a year, you were still in your 13 probationary period, weren't you? 14 A. Yes. 15 (Defendants' Exhibit 19 was offered 16 and admitted into evidence.) 17 Q. Let me show you what I've marked as 18 Defendants' Exhibit 19, which is another 19 performance evaluation. Ms. Brackin, do you 20 recognize that? Can you identify that? 21 (Brief pause) 22 Q. Is that your signature on the last page? 23 A. Yes.</p>

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- 1 Q. And this is your performance evaluation for
2 May of 2002; is that correct?
3 A. Yes.
4 Q. And at that point, you had been in the job
5 approximately a year; is that correct?
6 A. Yes.
7 Q. Back in that job.
8 And you received a satisfactory review; is
9 that correct?
10 A. Yes.
11 Q. And the review was completed by Judge Gordon;
12 is that correct?
13 A. That is her signature there, but, now, that's
14 not her Xs on the boxes, I don't believe,
15 because her markings are different than that.
16 I mean, I'm just going by the way she's marked
17 prior to. But I don't believe that's her --
18 Q. Whose Xs do you believe they are?
19 A. I don't know.
20 Q. Do you remember this being discussed with you?
21 A. I don't remember if was it. I -- I don't
22 recall.
23 Q. And, again, I'll ask you: You had a chance to

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- 1 comment and you concurred?
2 A. Yes.
3 Q. And, actually, judge said some very positive
4 things: I'm very pleased with Mary Beth's
5 progress is our group."
6 MR. JAFFREE: Is that a question, or
7 is a narrative?
8 MS. NELSON: If you'll let me ask my
9 question, I will.
10 MR. JAFFREE: Okay.
11 Q. Do you recall her stating that she was pleased
12 with your progress?
13 A. I don't recall her stating that.
14 Q. Do you recall reading that, that you were --
15 A. I --
16 Q. Reading that?
17 A. Reading that, yes.
18 Q. Did you have any issues with Judge Gordon at
19 this time?
20 A. What issues? What do you mean?
21 Q. Well, I'm asking you. Any disagreements with
22 her?
23 A. There were situations where errors were being

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- 1 made by the magistrates and she was not
2 addressing.
3 Q. And what errors are you talking about?
4 A. There were errors that were made by Lavera
5 McClain that she did not -- she did not
6 address.
7 Q. Well, I'm try to get -- what errors?
8 A. They were just different clerical errors,
9 computer errors, paperwork errors.
10 Q. And did you -- that she didn't address. Did
11 she know about these errors?
12 A. What date are we talking about? What's the
13 date of that evaluation?
14 Q. 2002.
15 A. I know that in a prior meeting, an open
16 meeting, where the Judicial Department
17 personnel director Kai Davis was present where
18 Lavera was speaking to me in a loud and
19 threatening manner. And there was only one
20 person in between us, so there was no need for
21 her to be that loud. And when I complained to
22 the judge about the way that Laver had spoke
23 to me and that I did not appreciate it,

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- 1 nothing was done about my verbal complaint.
2 Q. Okay. You're reading from your notes?
3 A. Yes, ma'am.
4 Q. And you're referring to your notes. I'm going
5 to mark your note that you produced to me as
6 Defendants' Exhibit Number 20.
7 (Defendants' Exhibit 20 was marked
8 for identification.)
9 Q. Is that correct?
10 A. Yes.
11 Q. And what does this have to do with errors
12 being made by --
13 A. Well, that was just an example. You were
14 asking me about --
15 Q. I'm was asking you about errors being made.
16 You're talking about clerical errors made by
17 Lavera.
18 A. Well, I mean, they were numerous. I don't
19 remember.
20 Q. Well, my question is, did you make -- how did
21 you know about these alleged errors?
22 A. Because when you -- whenever you have things
23 in the computer, our names were out there

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<p>1 besides whoever keyed that into the computer.</p> <p>2 Q. So this was like a keying error?</p> <p>3 A. There were -- there were data entry errors,</p> <p>4 and there was also just different types</p> <p>5 of -- of paperwork errors where maybe</p> <p>6 something wasn't done right on the paperwork.</p> <p>7 Q. Like number not typed in correctly?</p> <p>8 A. No. I'm talking about paperwork, the actual</p> <p>9 paperwork.</p> <p>10 Q. I know. But that's what I'm trying to</p> <p>11 understand what you're talking about. What</p> <p>12 kind of paperwork.</p> <p>13 A. Cases, case paperwork.</p> <p>14 Q. What kind of paperwork?</p> <p>15 A. On a defendant.</p> <p>16 Q. Like what?</p> <p>17 A. It would be their case action summary, the</p> <p>18 warrants. It was just, you know -- I know</p> <p>19 that there were -- there were several</p> <p>20 different errors involving paperwork, so, I</p> <p>21 mean, I can't be exact as far as which</p> <p>22 particular incident. I just know that there</p> <p>23 were numerous. And I know that the -- one of</p>	<p>1 A. Yes.</p> <p>2 Q. Do you know --</p> <p>3 A. But I'm not sure who was there at time.</p> <p>4 That's what I'm saying. But I do know the</p> <p>5 complaints were made them.</p> <p>6 Q. By yourself?</p> <p>7 A. Excuse me?</p> <p>8 Q. By yourself?</p> <p>9 A. Some were, yes.</p> <p>10 Q. But I'm asking -- that wasn't your own issue</p> <p>11 or disagreement with Judge Gordon is that</p> <p>12 Lavera was making errors and she didn't</p> <p>13 address them?</p> <p>14 A. That -- which time frame are you talking</p> <p>15 about?</p> <p>16 Q. Well, I was asking you about the document --</p> <p>17 just in 2002.</p> <p>18 A. Just that there were -- there was</p> <p>19 inconsistency within the department.</p> <p>20 Q. In what way?</p> <p>21 A. Of the -- of the disciplinary.</p> <p>22 Q. Okay. Did you ever make any errors?</p> <p>23 A. I'm sure I did, but I mean, I wasn't aware</p>
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<p>1 clerks in the office had -- had come across</p> <p>2 several errors.</p> <p>3 Q. And what clerk was that?</p> <p>4 A. Cheryl Maray.</p> <p>5 Q. And what -- she's a clerk?</p> <p>6 A. Yes.</p> <p>7 Q. What kind of a clerk?</p> <p>8 A. That's just what her position was, a clerk in</p> <p>9 our office. I think it's clerk typist or</p> <p>10 judicial assistant. I'm -- I'm not sure.</p> <p>11 Q. And you didn't supervise Lavera?</p> <p>12 A. No.</p> <p>13 Q. When you learned about these alleged errors,</p> <p>14 did you report them to someone?</p> <p>15 A. Whoever was our supervisor at the time.</p> <p>16 Q. Who was that?</p> <p>17 A. I don't know. I mean, I don't -- I don't</p> <p>18 remember. I know their that there</p> <p>19 were -- there were -- I know that there were</p> <p>20 complaints made to Donna. And, also, even</p> <p>21 after that, I knew that Bettye and Nancy had</p> <p>22 complaints.</p> <p>23 Q. Bettye King would have been her supervisor?</p>	<p>1 that -- they were not brought to my attention.</p> <p>2 Q. Did Mary Turner make some errors?</p> <p>3 A. I don't know. I'm sure she did.</p> <p>4 Q. Did Valarie Savage make some errors?</p> <p>5 A. I don't know. I mean, I don't know if anybody</p> <p>6 else did. They -- they may have.</p> <p>7 Q. The only person that you knew made errors</p> <p>8 was --</p> <p>9 A. I know Ann Baxter made some errors.</p> <p>10 Q. So you knew that Ann Baxter and Lavera McClain</p> <p>11 made errors?</p> <p>12 A. At this particular date?</p> <p>13 Q. Yeah.</p> <p>14 A. I'm sure some other people did, but I don't</p> <p>15 know. It depended on if I dealt with</p> <p>16 something that I was -- that I was dealing</p> <p>17 with. If I dealt with that paperwork and I</p> <p>18 saw that there was an error, then I would know</p> <p>19 if they made a mistake.</p> <p>20 Q. But the only ones you knew of that makes</p> <p>21 mistakes were Lavera and Ann Baxter?</p> <p>22 A. I'm -- but like I said, I mean, I'm sure</p> <p>23 others did. But I don't know if it, you</p>

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<p>1 know --</p> <p>2 Q. Were others disciplined, to your knowledge,</p> <p>3 for their errors?</p> <p>4 A. I don't know. I don't know.</p> <p>5 Q. Were you ever disciplined for errors?</p> <p>6 A. For errors?</p> <p>7 Q. Yes, for errors.</p> <p>8 A. For clerical errors?</p> <p>9 Q. Yeah.</p> <p>10 A. Not to my knowledge.</p> <p>11 MR. JAFFREE: When you say "ever,"</p> <p>12 are you talking about up until</p> <p>13 the period of --</p> <p>14 MS. NELSON: Ever.</p> <p>15 MR. JAFFREE: -- of 2002?</p> <p>16 MS. NELSON: Ever.</p> <p>17 MR. JAFFREE: Because she was</p> <p>18 terminated for an error.</p> <p>19 THE WITNESS: Right.</p> <p>20 A. I thought we were talking the -- during the</p> <p>21 evaluation.</p> <p>22 Q. A clerical error? You were terminated for a</p> <p>23 clerical error?</p>	<p>1 with Kai Davis?</p> <p>2 A. Not to my -- I don't -- I don't recall if I</p> <p>3 did or not. I don't think so, but I don't</p> <p>4 recall.</p> <p>5 Q. Do you know if any complaints had been made</p> <p>6 about you to Kai Davis?</p> <p>7 A. Not to my knowledge.</p> <p>8 (Defendants' Exhibit 21 was marked</p> <p>9 for identification.)</p> <p>10 Q. I'll show you what I've marked as Defendants'</p> <p>11 Exhibit 21 and ask you to identify that.</p> <p>12 (Brief pause)</p> <p>13 Q. Do you recall receiving this memorandum?</p> <p>14 A. I have seen it before, yes.</p> <p>15 Q. And it's a memo issued by Judge Gordon to the</p> <p>16 Judicial Department personnel. You were one</p> <p>17 of those; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. And this was issued January 8th, 2003; is that</p> <p>20 correct?</p> <p>21 A. Yes.</p> <p>22 Q. Do you remember getting one of these?</p> <p>23 A. I must have. I remember seeing it.</p>
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<p>1 A. I was -- I was terminated for making a major</p> <p>2 violation within a two-year period.</p> <p>3 Q. But you were not terminated for a clerical</p> <p>4 error, were you?</p> <p>5 MR. JAFFREE: For the data entry</p> <p>6 error. Have you looked at the</p> <p>7 record?</p> <p>8 MS. NELSON: I know the record. I'm</p> <p>9 asking her. I'll get into it.</p> <p>10 MR. JAFFREE: So-called negligent</p> <p>11 data entry error.</p> <p>12 Q. While we're on this meeting, Number 20, that</p> <p>13 you've made a note about -- Defendants'</p> <p>14 Exhibit 20, the one about an open meeting</p> <p>15 where Kai Davis was there?</p> <p>16 A. Right.</p> <p>17 Q. Kai Davis is the personnel director; is that</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. And do you know why this meeting was being</p> <p>21 held?</p> <p>22 A. I don't recall. I don't remember.</p> <p>23 Q. Did you have meetings with -- just one on one</p>	<p>1 Q. You remember seeing it?</p> <p>2 A. Yes.</p> <p>3 Q. And, of course, it's -- the subject is Public</p> <p>4 Relations, but it was stressing the importance</p> <p>5 of not commenting on the possibility of city</p> <p>6 liability. Do you remember that?</p> <p>7 A. Yes.</p> <p>8 Q. And it also cited to Mr. Rubin. That was the</p> <p>9 city manager; is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. Do you remember why this came out, or was</p> <p>12 there any kind of meeting held in conjunction</p> <p>13 with the issuance of this memo?</p> <p>14 A. I don't recall what made that memo get issued.</p> <p>15 Q. You don't remember --</p> <p>16 A. I don't -- I don't --</p> <p>17 Q. -- any specific incident or concern to cause</p> <p>18 this to be issued?</p> <p>19 A. I don't believe we were -- I was -- I was not</p> <p>20 specifically told why it was issued.</p> <p>21 Q. Okay. And there's reference to a Ms. King.</p> <p>22 That's Bettye King that was your supervisor at</p> <p>23 the time?</p>

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<p style="text-align: right;">Page 145</p> <p>1 A. Yes.</p> <p>2 Q. She was the court administrator?</p> <p>3 A. Yeah, she was.</p> <p>4 Q. After Donna Nicholson?</p> <p>5 A. Yes.</p> <p>6 Q. Do you know why she left?</p> <p>7 A. I don't know. I don't know what her reason</p> <p>8 for leaving was.</p> <p>9 Q. And after she left, do you know who the court</p> <p>10 administrator was?</p> <p>11 A. Nancy Martin.</p> <p>12 Q. And do you know if Bettye King ever had the</p> <p>13 opportunity to evaluate your performance?</p> <p>14 A. I'm -- she -- I'm sure she did, but I -- I</p> <p>15 don't recall.</p> <p>16 (Defendants' Exhibit 22 was marked</p> <p>17 for identification.)</p> <p>18 Q. I'll show you what I've marked as Defendants'</p> <p>19 Exhibit 22. Just ask if you can identify that</p> <p>20 for me, please.</p> <p>21 (Brief pause)</p> <p>22 Q. Do you recognize yes?</p> <p>23 A. Yes.</p>	<p style="text-align: right;">Page 147</p> <p>1 A. Yes.</p> <p>2 Q. Do you know what, if anything, she did when</p> <p>3 you brought those to her?</p> <p>4 A. I don't -- I don't recall. I mean, I don't</p> <p>5 know if she talked with the people or she</p> <p>6 passed it along to the judge. I don't know.</p> <p>7 Q. There was a time in 2004 that you were</p> <p>8 disciplined and suspended; is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. Let me show you -- and that involves an</p> <p>11 individual named Mr. Fondren; does that name</p> <p>12 mean anything to you?</p> <p>13 A. Yes.</p> <p>14 Q. Did you know a Mr. Fondren?</p> <p>15 A. I -- I don't know of him personally. I know</p> <p>16 that he was a defendant.</p> <p>17 Q. A defendant in your municipal court?</p> <p>18 A. Yes.</p> <p>19 Q. And do you remember having any interaction or</p> <p>20 conversations with him?</p> <p>21 A. Yes.</p> <p>22 Q. And tell me what you remember.</p> <p>23 A. He came -- I was working downstairs, and he</p>
<p style="text-align: right;">Page 146</p> <p>1 Q. And is that an evaluation given you by Bettye</p> <p>2 King?</p> <p>3 A. Yes.</p> <p>4 Q. And you had the opportunity to comment; is</p> <p>5 that correct.</p> <p>6 A. Yes.</p> <p>7 Q. And you put that --</p> <p>8 A. "I concur."</p> <p>9 Q. You concur. And that was dated April of 2003;</p> <p>10 is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And this is also signed off by Judge Gordon?</p> <p>13 A. Yes.</p> <p>14 Q. To your knowledge? And I received a</p> <p>15 satisfactory evaluation?</p> <p>16 A. Yes.</p> <p>17 Q. Do you have any issues or criticism of Bettye</p> <p>18 King as a supervisor?</p> <p>19 A. Not -- not that I recall.</p> <p>20 Q. Did you ever -- these errors that you were</p> <p>21 talking about that Lavera and Ann Baxter made,</p> <p>22 and I guess you said others made, did you ever</p> <p>23 bring those to the attention of Bettye King?</p>	<p style="text-align: right;">Page 148</p> <p>1 came into the office and asked to speak to</p> <p>2 Mary Beth Brackin. And told him that I was</p> <p>3 she. And he said that he needed some</p> <p>4 information and was sent because he was</p> <p>5 falsely arrested.</p> <p>6 Q. And falsely arrested for what?</p> <p>7 A. I don't recall. He just -- he just said that</p> <p>8 he needed to know what to do about it, that</p> <p>9 his vehicle was towed, and he wanted to know</p> <p>10 what he needed to do.</p> <p>11 Q. And what did you tell him?</p> <p>12 A. I told him that he had to go to the city</p> <p>13 clerk's office.</p> <p>14 Q. And was anyone present when this conversation</p> <p>15 took place with Mr. Fondren?</p> <p>16 A. I understand that -- I believe Lavera was</p> <p>17 working in the back at the warrant windows,</p> <p>18 which is a pretty good distance from the front</p> <p>19 window.</p> <p>20 Q. Anybody else present?</p> <p>21 A. I don't recall. I don't remember.</p> <p>22 Q. Did you ever tell Mr. Fondren that he had been</p> <p>23 falsely arrested?</p>

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<p style="text-align: right;">Page 149</p> <p>1 A. No, I did not tell him he had been. I told --</p> <p>2 Q. You told him what?</p> <p>3 A. I told him that if he wanted to file for that,</p> <p>4 he needed to go to city clerk's office and</p> <p>5 that's what he needed to tell them as to the</p> <p>6 reason why he was there.</p> <p>7 Q. Were you aware that Mr. Fondren ever filed a</p> <p>8 complaint or complained about you to the City?</p> <p>9 A. I don't know.</p> <p>10 MR. JAFFREE: I'm sorry. Was your</p> <p>11 question never or did?</p> <p>12 MS. NELSON: Ever.</p> <p>13 MR. JAFFREE: Oh, I'm sorry.</p> <p>14 A. I don't recall if he did.</p> <p>15 Q. And were you ever advised that he had filed a</p> <p>16 complaint with the City?</p> <p>17 MR. JAFFREE: Against her? I'm</p> <p>18 trying to -- are you saying a</p> <p>19 complaint against her?</p> <p>20 MS. NELSON: I just said a complaint</p> <p>21 against the City.</p> <p>22 MR. JAFFREE: Oh, just general</p> <p>23 complaint.</p>	<p style="text-align: right;">Page 151</p> <p>1 (Brief pause)</p> <p>2 Q. You were given notice of the charges against</p> <p>3 you; is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. And that's what Defendants' Number 23 is?</p> <p>6 A. Yes.</p> <p>7 Q. And I guess it's -- have you seen this</p> <p>8 document before?</p> <p>9 A. Yes.</p> <p>10 Q. And I'm talking about notice of the charges.</p> <p>11 It describes -- I guess the document can speak</p> <p>12 for itself -- the incident regarding</p> <p>13 Mr. Theron Fondren. And it points to the memo</p> <p>14 that I showed you a moment ago about your</p> <p>15 being directed not to comment on City</p> <p>16 liability, which was Defendants' Exhibit</p> <p>17 Number 21?</p> <p>18 A. Yes.</p> <p>19 (Defendants' Exhibit 24 was marked</p> <p>20 for identification.)</p> <p>21 Q. And then, ultimately, I'll show you</p> <p>22 Defendants' Exhibit Number 24. That's the</p> <p>23 actual discipline form regarding that</p>
<p style="text-align: right;">Page 150</p> <p>1 A. Against the City?</p> <p>2 Q. I said against the City?</p> <p>3 A. Not to my knowledge. I don't know.</p> <p>4 Q. Were you ever told that he informed the city</p> <p>5 that you told him that he had been falsely</p> <p>6 arrested and he should sue the City?</p> <p>7 A. No. I don't recall saying that.</p> <p>8 Q. Well, I understand. But were you ever</p> <p>9 informed that he had made those statements to</p> <p>10 the City about you?</p> <p>11 A. I don't recall specifically what was said. I</p> <p>12 do know that there was an internal</p> <p>13 investigation done into that, but I don't</p> <p>14 recall what all was said in there and who</p> <p>15 filed for and for what reason. It was just</p> <p>16 about that particular incident that happened.</p> <p>17 Q. And, again, you were reprimanded; is that</p> <p>18 correct?</p> <p>19 A. Yes I was.</p> <p>20 (Defendants' Exhibit 23 was marked</p> <p>21 for identification.)</p> <p>22 Q. I'm going to show you what I've marked as</p> <p>23 Defendants' Exhibit Number 23.</p>	<p style="text-align: right;">Page 152</p> <p>1 incident; is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. And have you seen and received a copy of</p> <p>4 that?</p> <p>5 A. Yes.</p> <p>6 (Defendants' Exhibit 25 was marked</p> <p>7 for identification.)</p> <p>8 Q. And then as a result thereof --let me show you</p> <p>9 Defendants' Exhibit Number 25 -- you were</p> <p>10 given a ten-day suspension; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. Now, did you grieve this or appeal this</p> <p>13 suspension in any way?</p> <p>14 MR. JAFFREE: Excuse me. Unless I'm</p> <p>15 wrong, there's no right to</p> <p>16 grieve that --</p> <p>17 MS. NELSON: I'm just asking --</p> <p>18 MR. JAFFREE: -- unless you can show</p> <p>19 me some document.</p> <p>20 MS. NELSON: You're not being</p> <p>21 deposed. I'm asking her.</p> <p>22 MR. JAFFREE: Well, you may be</p> <p>23 asking her something that she</p>

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<p>1 didn't have a right to do so.</p> <p>2 MS. NELSON: I'm asking her if she</p> <p>3 did.</p> <p>4 MR. JAFFREE: Fine.</p> <p>5 A. No, I did not.</p> <p>6 Q. Did you challenge this in any way?</p> <p>7 A. No, I didn't.</p> <p>8 Q. Question it in any way?</p> <p>9 A. No.</p> <p>10 Well, I questioned it in my internal. I</p> <p>11 mean, I -- I stated that I did not do that.</p> <p>12 Q. Your internal being?</p> <p>13 A. The investigation.</p> <p>14 Q. Okay. Investigation --</p> <p>15 A. Prior to this.</p> <p>16 Q. There was an investigation into this incident</p> <p>17 regarding Mr. Fondren?</p> <p>18 A. There was an internal investigation.</p> <p>19 Q. And who conducted the investigation?</p> <p>20 A. Sergeant Gary Coleman and Sergeant Ray Owens.</p> <p>21 Q. And you're look at something there. What are</p> <p>22 you looking at?</p> <p>23 (Witness complied.)</p>	<p>1 A. Yes.</p> <p>2 Q. You did report?</p> <p>3 A. Yes.</p> <p>4 Q. Did they ask you questions?</p> <p>5 A. Yes, they did.</p> <p>6 Q. Did they inform you of what the investigation</p> <p>7 was about?</p> <p>8 A. I'm sure they did. I don't recall everything</p> <p>9 that was said.</p> <p>10 Q. Do you know who else might have been</p> <p>11 interviewed?</p> <p>12 A. No, I don't remember.</p> <p>13 Q. And do you remember the type questions they</p> <p>14 asked you?</p> <p>15 A. They were asking me, you know, if I said this</p> <p>16 and -- and why I said it and the -- the</p> <p>17 circumstances surrounding it. And I,</p> <p>18 basically, you know -- I did not tell him that</p> <p>19 this is what you should do. I just was</p> <p>20 directing him to the city clerk's office.</p> <p>21 Q. Did they as you whether or not you had told</p> <p>22 the man that he had been falsely arrested or</p> <p>23 wrongfully arrested?</p>
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<p>1 Q. Is this the document you've produced to me?</p> <p>2 A. Yes.</p> <p>3 (Defendants' Exhibit 26 was marked</p> <p>4 for identification.)</p> <p>5 Q. This is Defendants' Exhibit Number 26. This</p> <p>6 is a letter to you, Ms. Brackin; is that</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. Dated March 22, 2004?</p> <p>10 A. Yes.</p> <p>11 Q. From Judge Gordon, and it's notifying you of</p> <p>12 an administrative investigation into a claim</p> <p>13 of false arrest?</p> <p>14 A. Yes.</p> <p>15 Q. Brought by Theron Fondren which allegedly</p> <p>16 occurred on January 1, 2004; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. And you were told to report to Sergeant</p> <p>19 Coleman and Sergeant Owens for an</p> <p>20 administrative interview, that you were</p> <p>21 directed to cooperate; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And so you did?</p>	<p>1 A. I'm -- they could have. I don't recall. I</p> <p>2 don't recall all the questions that were</p> <p>3 asked.</p> <p>4 Q. That a lot of it stemmed on what --</p> <p>5 A. Yes.</p> <p>6 Q. -- you told him?</p> <p>7 A. Yes.</p> <p>8 Q. Did you tell him he had been falsely</p> <p>9 arrested? I'm not saying that you said it. I</p> <p>10 said the nature of the questions involved,</p> <p>11 what you told him and whether or not you --</p> <p>12 A. Right.</p> <p>13 Q. -- told him --</p> <p>14 A. Correct.</p> <p>15 Q. -- he had been falsely arrested or wrongly</p> <p>16 arrested. And the questions stemmed around</p> <p>17 whether or not you told him --</p> <p>18 A. Yes.</p> <p>19 Q. -- to go sue the City or file a lawsuit</p> <p>20 against the City or a claim against the city;</p> <p>21 is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And you're saying in the investigation, you</p>

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<p style="text-align: right;">Page 157</p> <p>1 denied saying that?</p> <p>2 A. I just told him that I did not tell him, you</p> <p>3 should sue the city and that what you were</p> <p>4 falsely arrested. I said, this is what you</p> <p>5 need to tell, as far as going to the city's</p> <p>6 clerk office, this is the reason why you're</p> <p>7 there, is that you were falsely arrested based</p> <p>8 on his testimony, not that I said he was.</p> <p>9 Q. Do you have any reason to</p> <p>10 believe that -- strike that.</p> <p>11 Do you know why that investigation came</p> <p>12 about?</p> <p>13 A. No, I do not.</p> <p>14 Q. Do you know if Judge Gordon had anything to do</p> <p>15 with that investigation?</p> <p>16 A. I don't know. I don't -- I don't recall I --</p> <p>17 if I was told.</p> <p>18 Q. Do you know if Judge Gordon had anything to do</p> <p>19 with the prior internal investigation that you</p> <p>20 talked about involving that Ms. Ralpeje?</p> <p>21 A. I think she did.</p> <p>22 Q. And why do you think that?</p> <p>23 A. Well, she is my department head. If there was</p>	<p style="text-align: right;">Page 159</p> <p>1 others were questioned?</p> <p>2 A. I'm sure they were, but I don't for sure. I</p> <p>3 didn't never see any type of written</p> <p>4 statements or any type of -- didn't get to</p> <p>5 listen to any of the taped statements or</p> <p>6 anything if they were. So I -- I couldn't</p> <p>7 tell you for sure.</p> <p>8 Q. Do you know the role of Internal Affairs and</p> <p>9 when they get involved in investigations?</p> <p>10 A. No.</p> <p>11 Q. Do you know any other people who have been</p> <p>12 interviewed by Internal Affairs?</p> <p>13 A. What do you mean? In any division?</p> <p>14 Q. Yeah.</p> <p>15 A. I -- I don't know. I assume police officers.</p> <p>16 I don't -- I don't know that for sure.</p> <p>17 Q. So you don't know who Internal Affairs may</p> <p>18 have ever talked to or investigated?</p> <p>19 A. No. Not personal knowledge. No.</p> <p>20 Q. It's just your opinion that Judge Gordon</p> <p>21 should've handled the Ralpeje issue herself?</p> <p>22 A. I felt like that she should have.</p> <p>23 Q. Now, when you were investigated -- I mean,</p>
<p style="text-align: right;">Page 158</p> <p>1 a complaint made against me, I felt like as a</p> <p>2 department head she should've handled that</p> <p>3 within our department.</p> <p>4 Q. Handled it what way?</p> <p>5 A. She should have questioned me about it.</p> <p>6 Q. And not get anyone else involved?</p> <p>7 A. Well, I know the internal investigation was a</p> <p>8 little bit harsh. I was treated like a</p> <p>9 criminal, but I felt like that as she being my</p> <p>10 department head, that she could have handled</p> <p>11 the situation.</p> <p>12 Q. And why do you think you were treated like a</p> <p>13 criminal?</p> <p>14 A. Well, I mean, just by the way they were</p> <p>15 questioning me. It was very intimidating.</p> <p>16 Q. Do you know if any others were questioned?</p> <p>17 A. In the -- any others in that office?</p> <p>18 Q. In Ralpeje, do you know if anybody else was</p> <p>19 questioned?</p> <p>20 A. I assume the others -- the people that were</p> <p>21 involved in the incident were. But I -- I</p> <p>22 don't for sure.</p> <p>23 Q. Do you know if the Fondren situation if any</p>	<p style="text-align: right;">Page 160</p> <p>1 where did the interviews take place by -- I'm</p> <p>2 sorry. It was Sergeant Coleman and Sergeant</p> <p>3 Owens?</p> <p>4 A. Second the time, yes.</p> <p>5 Q. Do you know those two men?</p> <p>6 A. Yes.</p> <p>7 Q. You probably worked with them over in the</p> <p>8 police department, didn't you?</p> <p>9 A. I didn't work with them. We were -- we see</p> <p>10 each other during the day. But --</p> <p>11 Q. But any agreements with them for any reason?</p> <p>12 A. Not to my knowledge, no.</p> <p>13 Q. To your knowledge, were they just doing their</p> <p>14 job when they were asking questions?</p> <p>15 A. I assume they were, yes.</p> <p>16 MR. JAFFREE: Let me object to the</p> <p>17 question. She doesn't know</p> <p>18 whether or not their job</p> <p>19 involves investigating people in</p> <p>20 the mayor's office or in any</p> <p>21 department in the City or they</p> <p>22 had a right to just interrogate</p> <p>23 people in any division. I mean,</p>

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<p>1 she doesn't know that.</p> <p>2 Do you?</p> <p>3 MS. NELSON: Well, I'm just asking</p> <p>4 her knowledge --</p> <p>5 MR. JAFFREE: You said doing their</p> <p>6 job.</p> <p>7 Do you know if their job</p> <p>8 consists of interrogations of</p> <p>9 all over the city --</p> <p>10 THE WITNESS: No.</p> <p>11 MR. JAFFREE: -- regardless of</p> <p>12 criminal matters.</p> <p>13 MS. NELSON: It's my turn to her the</p> <p>14 questions.</p> <p>15 Q. Do they wear uniforms?</p> <p>16 A. They -- I don't know if they do. I mean,</p> <p>17 there were times I have seen them in uniform,</p> <p>18 but as to the time --</p> <p>19 Q. Well, you worked with the police department</p> <p>20 for four years?</p> <p>21 A. Right.</p> <p>22 Q. Had you ever heard of Internal Affairs before?</p> <p>23 A. I'm not sure when Internal Affairs started.</p>	<p>1 (Defendants' Exhibits 27, 28, 29</p> <p>2 were marked for identification.)</p> <p>3 MS. NELSON: I've marked for</p> <p>4 identification, tax returns</p> <p>5 Ms. Brackin brought.</p> <p>6 Defendants' 27 is 2003 Alabama</p> <p>7 return. Defendants' 28 is 2005</p> <p>8 U.S. Tax Return. And</p> <p>9 Defendants' Exhibit 29 is a 2006</p> <p>10 U.S. Tax Return.</p> <p>11 Q. And, Ms. Brackin, you're saying, you've</p> <p>12 ordered your 2003 --</p> <p>13 A. I'm --</p> <p>14 Q. Wait a minute -- and 2004 U.S. tax returns?</p> <p>15 A. Yes.</p> <p>16 Q. And you'll provide those to me?</p> <p>17 A. Yes, I will.</p> <p>18 Q. And you did file those years?</p> <p>19 A. Yes, I did.</p> <p>20 Q. You'd be surprised people that don't</p> <p>21 sometimes.</p> <p>22 A. Well, that's one thing I do.</p> <p>23 Q. Okay. I think before the break we had</p>
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<p>1 They had not always had an Internal Affairs</p> <p>2 Division.</p> <p>3 Q. Was there Internal Affairs when you were</p> <p>4 there?</p> <p>5 A. I'm not sure. That I don't know because I</p> <p>6 don't know when they started.</p> <p>7 Q. So you don't know for sure.</p> <p>8 Where were you -- where was the interview?</p> <p>9 A. In the chief's conference room.</p> <p>10 Q. And about how long did it last?</p> <p>11 A. I don't know. I can't tell you how long it</p> <p>12 lasted. I don't remember.</p> <p>13 Q. And do you know if Sergeant Owens and/or</p> <p>14 Sergeant Coleman made any recommendation to</p> <p>15 the Judicial Department about what they</p> <p>16 learned following the investigation into the</p> <p>17 Fondren matter?</p> <p>18 A. If they did, I don't recall. They didn't tell</p> <p>19 me.</p> <p>20 MS. NELSON: Okay. We'll take a</p> <p>21 lunch break and maybe be back</p> <p>22 about 1:15.</p> <p>23 (Lunch recess)</p>	<p>1 discussed to the Fondren matter and your</p> <p>2 suspension. I think we've covered that.</p> <p>3 Do you recall when Nancy Martin became</p> <p>4 your supervisor?</p> <p>5 A. Best of my knowledge, in the year 2004, I</p> <p>6 believe.</p> <p>7 Q. To your knowledge, did she have any magistrate</p> <p>8 experience or court administration experience?</p> <p>9 A. I knew that she had been with Legal Services</p> <p>10 for a number of years, but as far as what her</p> <p>11 experience was, I don't know.</p> <p>12 Q. You don't know what her job was at Legal</p> <p>13 Services?</p> <p>14 A. No, ma'am.</p> <p>15 Q. Did you, in any shape, form, or fashion, have</p> <p>16 to train her as to what the magistrate duties</p> <p>17 required?</p> <p>18 A. She would ask me on occasion. Yes.</p> <p>19 Q. Did she ever have an occasion to evaluate you?</p> <p>20 A. I'm sure she did. I'm -- I'm -- I don't</p> <p>21 remember.</p> <p>22 Q. Again, you don't know at what point in 2004</p> <p>23 she came on board?</p>

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<p>1 A. No, ma'am. It could have been maybe within 2 the first quarter or first six months of 3 2004. I'm just not -- I'm not quite sure of 4 the exact date. 5 (Defendants' Exhibit 30 was marked 6 for identification.) 7 Q. Well, let me show you what I've marked as 8 Defendants' Exhibit Number 30, which is an 9 employee evaluation. Is that something you 10 recognize? 11 A. It looks an evaluation on myself. 12 Q. Do you recognize that handwriting? 13 A. Yes. 14 Q. And whose is, to your knowledge? 15 A. To my knowledge, it looks like Nancy's. 16 Q. And I know you're flipping through it, but go 17 to the back page for me just to -- 18 (Witness complied.) 19 Q. Did you sign that, Ms. Brackin? 20 A. Yes, I did. 21 Q. And do you -- it's also signed by Nancy 22 Martin, I see, as your evaluating supervisor? 23 A. Yes.</p>	<p>1 A. Yes. 2 Q. And is it your understanding that that was the 3 Fondren incident that we recently just 4 discussed before the break? 5 A. Yes. 6 Q. To your knowledge, was Ms. Martin involved in 7 that in any way? 8 A. She was not hired when that incident 9 occurred. She was not employed. 10 Q. Okay. Now, when Ms. Martin became as your 11 supervisor, her title was court administrator; 12 am I saying that right? 13 A. To my knowledge, yes. 14 Q. Was she your immediate supervisor? 15 A. Yes. 16 Q. Do you know who hired her? 17 A. I don't know exactly who hired her, no. 18 Q. Did she, in turn, report to Judge Gordon? 19 A. I'm -- to my knowledge. I assume she was 20 since judge is our department head. 21 Q. When she came on board, do you remember who 22 the other magistrates were in the office? 23 A. Let's see. Myself, Mary Turner, Ann Baxter,</p>
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<p>1 Q. And also by Judge Gordon; is that correct? 2 A. Yes. 3 Q. And that was in about May 17th of 2004; is 4 that correct? 5 A. Yes. 6 Q. And you got a chance to comment? 7 A. Yes. 8 Q. And you concurred; is that correct? 9 A. Yes. 10 Q. I'm not trying to testify for you. 11 Do you remember, now that you've seen 12 this, Nancy Martin reviewing this with you? 13 A. I really don't recall my -- my going over 14 this. I'm sure she did, but I don't recall 15 everything that was said. 16 Q. Now, a couple places here you were rated 17 unsatisfactory. Do you see that? First page, 18 task number ten, that very last task dealing 19 with the public. I mean, I'm just -- 20 A. Yes. 21 Q. And it makes reference to your recent offense 22 that you were disciplined for regarding your 23 dealing with the defendant?</p>	<p>1 Lavera, Eunice, Sarah. And we're talking 2 magistrates, right. 3 Q. Yes. 4 A. Valarie and Michelle Bryan. And I believe 5 that's all of them. 6 Q. Michelle Bryan? 7 A. Yes, B-R-Y-A-N. 8 Q. And do you know when Michelle was hired? 9 A. No, I don't. 10 Q. Do you know what her duties primarily were? 11 A. Well, they changed because we would rotate 12 after so long. So I'm -- we all had, you 13 know, the same duties eventually. But I'm not 14 sure what her exact assignment was. 15 Q. Do you know if she ever made errors in the 16 work that she did? 17 A. Yes. 18 Q. Now, you were telling me, physically, y'all 19 were located in the police department, and 20 then you moved here to the Civic Center. 21 A. Yeah. 22 Q. And then there was a time y'all moved again? 23 A. Yes, ma'am.</p>

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<p style="text-align: right;">Page 169</p> <p>1 Q. First of all, where did you move to after the 2 Civic Center? 3 A. There is a two-story building on the corner 4 of -- I believe it's Troy and North 5 St. Andrews. It's right between here and the 6 police department. 7 Q. Okay. 8 A. And we had offices on the upstairs floor, and 9 then the bottom floor, part of that, part of 10 that we had where the public would come in and 11 do their business. 12 Q. Meaning come into the -- 13 A. Pay fines, if they wanted to take out a 14 warrant, that sort of thing. 15 Q. Do you know how you came to get new office 16 space? 17 A. Which location? 18 Q. When you moved to Troy and North St. Andrews. 19 When you left the Civic Center, were you 20 needing additional office space? 21 A. Yes. 22 Q. Had you been trying to get additional office 23 space?</p>	<p style="text-align: right;">Page 171</p> <p>1 Q. Yes. 2 A. I know the name, but I don't know him. 3 Q. How do you know that name? 4 A. It was brought up in a hearing with the 5 Personnel Board. 6 Q. But you're saying you never knew of that name 7 before? Strake that. 8 Well, what kind of hearing? What kind of 9 hearing before the Personnel Board? 10 A. It was my termination hearing. 11 Q. You're not talking about your appeals 12 hearing. When you were notified that you had 13 been terminated? 14 A. The hearing that we had that I -- that I 15 appealed the judge's decision to the Personnel 16 Board. And there was a hearing. 17 Q. But before you appealed the judge's decision, 18 were you ever informed that you had committed 19 any type of major offense as it pertained to 20 Stephen Phelps? 21 A. I don't know if his name was mentioned. I 22 know that Officer Etress with the CID division 23 questioned me about a ticket that involved</p>
<p style="text-align: right;">Page 170</p> <p>1 A. Yes. And they got -- the City leased that 2 space for us, and it was remodeled to better 3 fit us. 4 Q. Do you know if Judge Gordon was instrumental 5 in obtaining new office space for the 6 department? 7 A. I'm not -- I don't know -- I don't have any 8 knowledge of that. I don't know. 9 Q. And do you know about when it was that the 10 magistrate's office moved? 11 A. To that location? 12 Q. To that location. 13 A. No, ma'am I don't. I don't -- I know it was 14 after -- I don't remember being -- I -- I 15 started back in April of '01, and I don't 16 believe we were here at the Civic Center that 17 long before we moved over there. But I'm not 18 sure as to what date. 19 Q. Okay. Now, do you know an individual named 20 Stephen Phelps? 21 A. I don't know him. 22 Q. Do you know of him? 23 A. Of him?</p>	<p style="text-align: right;">Page 172</p> <p>1 Mary Turner. So I don't know if that's the 2 one or not. I don't -- I don't remember if 3 the name was brought up. I'm not sure. It 4 could have been, but I'm not sure. 5 Q. And to your knowledge, there was an 6 investigation going on as to certain activity 7 or conduct by Mary Turner; is that correct? 8 A. When? 9 Q. Well, you were just saying you were questioned 10 by -- I'm asking you. 11 A. Yeah. When Officer Etress -- that's the 12 first -- that's the first I knew about it, 13 when I called over there as to what it was all 14 about because I had not know. I didn't know 15 beforehand. 16 Q. And it's you understanding that you were 17 called over because they were investigating 18 Mary Turner? 19 A. No. All I was told was to come over and that 20 Officer Etress needed to question me about an 21 incident and that I was to cooperate with him. 22 Q. And Etress, is he with the police department? 23 A. Yes.</p>

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<p style="text-align: right;">Page 173</p> <p>1 Q. Is he in Internal Affairs?</p> <p>2 A. No, he's not.</p> <p>3 Q. He's with CID?</p> <p>4 A. He was not then. I don't know if he is now.</p> <p>5 Q. At the time?</p> <p>6 A. At the time, he was not.</p> <p>7 Q. Do you remember what he was questioning you</p> <p>8 about?</p> <p>9 A. He was questioning me about a ticket that</p> <p>10 involved Eric Duhaime and the voiding of that</p> <p>11 ticket.</p> <p>12 Q. Do you know who that ticket had been written</p> <p>13 to?</p> <p>14 A. I'm sure he might have said the name at the</p> <p>15 time, but I don't remember the name that</p> <p>16 was -- I mean, I do know now, but not at the</p> <p>17 time that he was questioning me.</p> <p>18 Q. You know now it was Stephen Phelps?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know Stephen Phelps' brother, Bradley</p> <p>21 Phelps?</p> <p>22 A. I don't know him. I don't recall that name</p> <p>23 and my dealings with him.</p>	<p style="text-align: right;">Page 175</p> <p>1 Q. What was the charge?</p> <p>2 A. She was arrested for the extortion, but the</p> <p>3 grand jury did not find cause for extortion.</p> <p>4 Q. And how do you know that?</p> <p>5 A. Because she told me.</p> <p>6 Q. Okay. And what did she tell you?</p> <p>7 A. She told me that the grand jury didn't find</p> <p>8 cause for extortion.</p> <p>9 Q. And she was free to go?</p> <p>10 A. No. That they had found grounds for a</p> <p>11 misdemeanor.</p> <p>12 Q. And when did she tell you this?</p> <p>13 A. It was not -- it was after the fact that it</p> <p>14 had happened. I don't remember when.</p> <p>15 Q. Now, when an officer writes a traffic ticket,</p> <p>16 he brings it into the magistrate's office to</p> <p>17 swear in your presence or a magistrate's</p> <p>18 presence; is that correct?</p> <p>19 A. That's correct.</p> <p>20 Q. And that's one of the duties that you do from</p> <p>21 time to time?</p> <p>22 A. Yes.</p> <p>23 Q. And when he brings -- he/she brings in the</p>
<p style="text-align: right;">Page 174</p> <p>1 Q. To your knowledge, did Mary Turner know them?</p> <p>2 A. After the fact --</p> <p>3 Q. You learned?</p> <p>4 A. -- I learned that she did.</p> <p>5 Q. And you've also learned after the fact that</p> <p>6 Mary Turner was being investigated and charged</p> <p>7 with a criminal offense involving those two</p> <p>8 individuals, aren't you?</p> <p>9 MR. JAFFREE: Is that a question?</p> <p>10 A. I'm sorry.</p> <p>11 MR. JAFFREE: You asked her if she</p> <p>12 also knew that Mary Turner --</p> <p>13 MS. NELSON: I asked her if she</p> <p>14 knows that Mary Turner was</p> <p>15 charged with a criminal offense</p> <p>16 involving Stephen Phelps and</p> <p>17 Bradley Phelps.</p> <p>18 A. I know that after the fact that -- I know now</p> <p>19 that she was charged, but I don't know the</p> <p>20 full extent of what it was. I mean, I know</p> <p>21 what the charge was, but I know that</p> <p>22 that's -- I know that the grand jury changed</p> <p>23 that.</p>	<p style="text-align: right;">Page 176</p> <p>1 ticket to be sworn to, are you supposed to --</p> <p>2 once the officer -- I mean, do you ask the</p> <p>3 officer to raise their hand and swear to the</p> <p>4 ticket?</p> <p>5 A. Yes.</p> <p>6 Q. And then tell me what transpires. I don't</p> <p>7 deal in this court law.</p> <p>8 A. We -- we go through the tickets, and we call</p> <p>9 out the date and the name and the violation.</p> <p>10 And we go through each one. And then I always</p> <p>11 say at the end, "These occurred on the public</p> <p>12 streets of Dothan within this jurisdiction."</p> <p>13 Then I sign the transmittal and give his copy</p> <p>14 back to him, the officer. He puts the ticks</p> <p>15 on a transmittal form.</p> <p>16 Q. An officer may be out working on a shift?</p> <p>17 A. Right.</p> <p>18 Q. And he may write more than one ticket?</p> <p>19 A. Correct.</p> <p>20 Q. And, so, say, he writes ten tickets on his</p> <p>21 shift. And he has ten tickets that he's</p> <p>22 supposed to bring to you; is that correct?</p> <p>23 A. Yes.</p>

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<p>1 Q. And then he also brings a transmittal sheet 2 with the individual's he's given those 3 tickets; is that correct? 4 A. Yes. 5 Q. I'm saying he; it could be a she. 6 The officer fills out the transmittal 7 sheet? 8 A. Yes. 9 Q. And then comes to you or a magistrate. And 10 does he give a package, or does he give you 11 one ticket at a time? Or does he give you a 12 transmittal sheet and ten tickets? 13 A. He gives -- he gives them the transmittal 14 sheet with the tickets. 15 Q. And then tell me what the magistrate 16 is -- then asks him to swear? 17 A. Yes. 18 Q. Okay. My question is, do you take each ticket 19 at a time or do you -- 20 A. Yes. 21 Q. I'm not trying to put words in your mouth. 22 A. No. That's it. You take each ticket at the 23 time, and then you sign the transmittal form.</p>	<p>1 sign to get their copy. They've already torn 2 off their copies. And you once you sign the 3 transmittal and give them their copy, they're 4 gone. 5 Q. To you even bother to -- I mean, I take it, 6 you've done this a long time and you're pretty 7 meticulous about what you do. Do you -- you 8 said you might not sign every ticket right 9 there and there, but do you at least see that 10 they match up? 11 A. Sometimes and sometimes I don't. It just 12 depends if we're -- if we're busy. I've sworn 13 to tickets in the middle of a courtroom 14 before. So if you've got court going on and 15 you're busy, I don't have time to sit there 16 and match them up. 17 Q. What happens if they don't match up? 18 A. I've actually had that happen before. We've 19 had it to where I go -- if -- and that's -- 20 there was a basket in what we call this huge 21 room upstairs, was like where we had our files 22 kept and where a lot of paperwork -- of 23 course, the case paperwork was kept. And</p>
Page 178	Page 180
<p>1 And you hope that those tickets match that 2 transmittal form. So, a lot of times, 3 officers don't have time for you to sit 4 there. And if you've got, let's say, a whole 5 transmittal full, which we've had before, of 6 tick, especially if they were local impact, 7 and you've got a stack of tickets, we, as 8 magistrates and the officers also, a lot of 9 times don't have time to sit there and make 10 sure that John Doe -- this ticket here is 11 listed as John Doe on this transmittal. We 12 have faith and trust in that officer that what 13 they've given us is on this transmittal form. 14 So once they're sworn to, we give them their 15 copy of the transmittal and they're on their 16 way. 17 Q. When do you actually sign the ticket? 18 A. Sometimes it's after they leave. 19 Q. But sometimes when they're there? 20 A. It depends. Because like I said, if we 21 don't -- because they've already got their 22 copy. A lot of the officers did not keep 23 their -- they don't wait for the magistrate to</p>	<p>1 there was a basket where you put incoming 2 tickets with their transmittals that need to 3 be keyed in. The clerks were supposed to do 4 them. 5 Sometimes they didn't get to them, because 6 there was a lot of tickets written. If we, as 7 magistrates, had time, we would grab a stack 8 and key them in. So when you go to key in 9 your tickets and you're keying them in, when 10 you get through keying them into the computer, 11 the computer assigns it a case number. 12 So you would take that case number and 13 transfer it to that transmittal sheet beside 14 the ticket information that the officer had 15 written down. So when you finish keying your 16 tickets and you look at your transmittal sheet 17 and you say, Oh, well, I've got one here that 18 didn't have a case number, so where is it? 19 Sometimes it could be that it was a DUI 20 arrest, and the magistrate on call may have 21 sworn to that and keyed that in already; or 22 they were coming to make a bond for somebody 23 in jail and the ticket had to be already keyed</p>

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<p style="text-align: right;">Page 181</p> <p>1 and the magistrate might not have written it</p> <p>2 on the transmittal.</p> <p>3 Q. You try to get to the bottom of it?</p> <p>4 A. Yes.</p> <p>5 Q. Try to track it down?</p> <p>6 A. And there have been times, when officer -- Oh,</p> <p>7 that's from another ticket book; let me see if</p> <p>8 I've left it in there. And I have had some do</p> <p>9 that. But they say, okay, I'll bring it by to</p> <p>10 you, I forgot it. So that has happened.</p> <p>11 Q. Well, do you remember one of the major</p> <p>12 offenses that you were charged with prior to</p> <p>13 your termination involved your handling of one</p> <p>14 of those transmittal forms; are you aware of</p> <p>15 that?</p> <p>16 A. Yes. But that's also when the Court of Civil</p> <p>17 Appeals said they could not look at that when</p> <p>18 it was remanded back.</p> <p>19 Q. I understand what the Court -- I've read the</p> <p>20 Court's case, but I'm just asking you, you</p> <p>21 were charged with that offense?</p> <p>22 A. Yes.</p> <p>23 Q. And it was a major offense?</p>	<p style="text-align: right;">Page 183</p> <p>1 to question.</p> <p>2 MR. JAFFREE: You're telling this</p> <p>3 witness that it's a major</p> <p>4 offense and get her to agree</p> <p>5 with you. And that's a legal</p> <p>6 conclusion.</p> <p>7 MS. NELSON: You can call it a legal</p> <p>8 conclusion all you want. She's</p> <p>9 charged with a major offense.</p> <p>10 MR. JAFFREE: Yeah. You asked her</p> <p>11 that, and that's fine. But if</p> <p>12 you ask her, it was a major</p> <p>13 offense, she bantered and said</p> <p>14 yes, it was a major offense.</p> <p>15 MS. NELSON: I'll ask that you not</p> <p>16 testify for her.</p> <p>17 MR. JAFFREE: I just want you to be</p> <p>18 clear on your questions that</p> <p>19 you're asking her, was she</p> <p>20 charged with a major offense or</p> <p>21 was it a major offense.</p> <p>22 MS. NELSON: It was a major offense,</p> <p>23 and the Court ruled it's a major</p>
<p style="text-align: right;">Page 182</p> <p>1 A. Yes.</p> <p>2 Q. And --</p> <p>3 MR. JAFFREE: You told her that it</p> <p>4 was a major offense. You mean,</p> <p>5 that she was charged with a</p> <p>6 major offense or in terms of the</p> <p>7 law is required is considered a</p> <p>8 major offense.</p> <p>9 Q. Are you aware that the Personnel Department</p> <p>10 has -- you said that you'd gotten the employee</p> <p>11 handbook?</p> <p>12 A. Yes.</p> <p>13 Q. And they have a table of offenses and</p> <p>14 penalties that are listed in that handbook.</p> <p>15 Are you familiar with that?</p> <p>16 A. Yes.</p> <p>17 Q. And some of them are major and some of them</p> <p>18 are minor, that sort of thing?</p> <p>19 A. Yes.</p> <p>20 MR. JAFFREE: There's nothing about</p> <p>21 an error in the entry of a</p> <p>22 ticket being a major offense.</p> <p>23 MS. NELSON: You'll have your chance</p>	<p style="text-align: right;">Page 184</p> <p>1 offense.</p> <p>2 MR. JAFFREE: Well, okay. I object</p> <p>3 to you asking her a legal</p> <p>4 conclusion.</p> <p>5 (Defendants' Exhibit 31 was marked</p> <p>6 for identification.)</p> <p>7 Q. I'm going to show you what's marked as</p> <p>8 Defendants' Exhibit 31, which is part of the</p> <p>9 employee -- personnel rules and regulations.</p> <p>10 Do you recognize that?</p> <p>11 A. I -- I mean -- I'm sure it's in the personnel</p> <p>12 rules, but I'm not familiar with it.</p> <p>13 Q. Okay. But you did receive a handbook?</p> <p>14 A. Yes.</p> <p>15 Q. You testified to that?</p> <p>16 A. Yes.</p> <p>17 Q. And what I'm show you is a chart that has a --</p> <p>18 at the top, there are certain offenses that</p> <p>19 are called major offenses; is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. And it's not on here, but there are certain</p> <p>22 minor offenses. Are you familiar with that?</p> <p>23 A. I know that there are minor offenses, yes.</p>

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<p style="text-align: right;">Page 185</p> <p>1 Q. And you also know that there are some 2 intolerable offenses -- 3 A. Right. 4 Q. -- that the first time you commit them, you 5 can be terminated? 6 A. Correct. 7 Q. And 31 is a listing -- a chart of major 8 offenses? 9 A. Yes. 10 (Defendants' Exhibit 32 was marked 11 for identification.) 12 Q. I'm go to show you what I've marked as 13 Defendants' Exhibit 32. 14 (Brief pause) 15 Q. Have you seen that document? 16 A. Yes. 17 Q. It's actually -- 18 A. Yes. 19 Q. -- several pages of the document? 20 A. Yes. 21 Q. And this document is a Notice of Determination 22 Hearing and Possible Disciplinary Action; is 23 that correct?</p>	<p style="text-align: right;">Page 187</p> <p>1 A. I did not -- 2 MR. JAFFREE: The question was, 3 "voided the ticket?" 4 A. That is two different things. 5 MR. JAFFREE: That's a correction. 6 THE WITNESS: I know. 7 (Defendants' Exhibit 34 was marked 8 for identification.) 9 Q. This was Exhibit 2 in your Personnel hearing, 10 but I'm this as Defendants' Exhibit 34. I'm 11 show you what is a transmittal form which has 12 a signature on the bottom. Is that your 13 signature, Mr. Brackin? 14 A. Yes it is. 15 Q. Now, this is a UTC transmittal form? 16 A. Yes. 17 Q. With approximately 12 tickets on it. And this 18 was given to you by Officer Eric Duhaime. 19 A. Yes, that's the name on it. 20 Q. And on this particular transmittal form, a 21 Stephen Phelps -- the line that has Stephen 22 Phelps and the ticket number and the date 23 issued, it has been struck through and "void"</p>
<p style="text-align: right;">Page 186</p> <p>1 A. Yes. 2 Q. And it has a notice of charges against you; 3 and on the third page, one of the charges 4 against you -- I'm looking at the second 5 paragraph -- dealt with failing to account for 6 a uniform traffic Citation. Do you see that? 7 A. I see that. 8 Q. Do you recall being charged with that? 9 A. I'm not sure what the actual charge was stated 10 as. If that's what it -- if that's what's on 11 there. I don't remember the actual charge, 12 how it was worded. 13 Q. Well, were you ever questioned about that 14 charge in relation to the handling a ticket 15 which was issued to Stephen Phelps? 16 A. Yes, I was. 17 Q. And, in fact, you had -- were you questioned 18 about your handling of the transmittal form on 19 a ticket issued to Stephen Phelps? 20 A. Yes. 21 Q. And, in fact, you had struck through and 22 voided the ticket issued to Stephen Phelps on 23 that transmittal form, didn't you?</p>	<p style="text-align: right;">Page 188</p> <p>1 has been written on that line. Do you see 2 that? 3 A. Yes. 4 Q. And I believe you've testified previously in 5 your appeal hearing under oath that you struck 6 that line through there; is that correct? 7 A. Yes. 8 Q. And you're telling me here today, you did 9 strike that line through the? 10 A. Based on the officer's -- 11 Q. I didn't ask you why yet. 12 A. Okay. 13 Q. And you wrote the word "void" -- 14 A. Yes, I did. 15 Q. -- under Case Number? 16 A. Yes, I did. 17 Q. And you do not deny doing that? 18 A. No. 19 Q. Had Officer Duhaime brought you -- with this 20 transmittal form, did he bring you these 12 21 tickets that are listed on this form? 22 A. I did not have that ticket. No, ma'am. 23 Q. How do you know you did not have that ticket?</p>

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1 A. Because when I went to key it into the
2 computer, I did not have it because I paged
3 him and asked him why it wasn't with the
4 transmittal. And he said he voided it.
5 **Q. Now, when you signed it, you had -- at the**
6 **bottom that you signed this, were you**
7 **certifying that you had received all these**
8 **tickets, didn't you?**
9 A. Yes. And I did not verify that at the time
10 the officer was there with the tickets that he
11 turned into me.
12 **Q. And once this is signed by you, you're**
13 **certifying that you had these tickets and they**
14 **had been sworn to and, therefore, they will be**
15 **processed in the system, so to speak?**
16 A. Yes.
17 **Q. And so when you struck through Mr. Phelps name**
18 **and wrote "void" on there, didn't that have**
19 **the effect of voiding the ticket against**
20 **Mr. Phelps?**
21 A. No.
22 **Q. And why is that?**
23 A. Because that's just a form that we keep to

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1 where we have what that officer did to put the
2 case on that. The actual ticket was voided by
3 the officer.
4 **Q. And how do you know that?**
5 A. Because he told me that.
6 **Q. And being the thorough magistrate you are,**
7 **just took his word on that and you just**
8 **wrote --**
9 A. An officer has that right to do that.
10 **Q. Have you ever written void on a UTC**
11 **transmittal form before ever?**
12 A. I don't know. I've been doing this for a
13 number of years. It's possible.
14 **Q. You never have, have you?**
15 A. I don't know. It's possible, because if I
16 don't have that ticket when I go to key it in
17 or if there's an item left without a case
18 number, I called that officer to find out what
19 happened.
20 **Q. And if he just says it void, it's void?**
21 A. I don't -- I don't care if he voids it or
22 nor. That's not my duty to question him why
23 he voided it. He has a right to void a

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1 traffic ticket.
2 **Q. And once he's voided it, it would never get to**
3 **your attention at this UTC level, would it?**
4 A. He might have forgotten to strike it off there
5 whenever he was swearing to the tickets. I
6 don't know that.
7 **Q. Isn't it true that Mary Turner called you up**
8 **and told you to void that?**
9 A. No, ma'am. No, ma'am. No, ma'am, she did
10 not. In fact, if you'll look at the ticket, I
11 didn't even sign it as swearing to it.
12 **Q. I thought the ticket had been voided. If it's**
13 **been voided, where is the ticket?**
14 A. The officer has the ticket.
15 **Q. And if the officer voids the ticket, what's he**
16 **supposed to do to it?**
17 A. I don't know. I don't know what their policy
18 is on their original tickets.
19 **Q. Would he not write "void" on the ticket?**
20 A. I don't know. I don't -- each officer is
21 different. I don't know if that's what their
22 policy and procedure is or not. I don't know.
23 **Q. And did he tell you why he voided the ticket?**

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1 A. No, he did not.
2 **Q. Did Mary Turner ask him to void the ticket?**
3 A. That I can't -- I don't have any knowledge of.
4 I don't know. All I know is that I went to
5 key that ticket -- or I went to key the
6 tickets in, and that was left without a case
7 number. And I paged that officer, and that's
8 what the officer told me he did with the
9 ticket. So I just merely stated on the
10 transmittal what the officer said happened to
11 that particular ticket.
12 **Q. He didn't tell you that Mary Turner told him**
13 **to pull that ticket and turn them all back in?**
14 A. No, he did not. I don't question officers why
15 they void something. That's not up to me to
16 do.
17 **Q. So if they voided something, you'd never even**
18 **see it, would you?**
19 A. No.
20 **Q. So you saw this one, so it hadn't been voided?**
21 A. No, I didn't see that one. I didn't see that
22 one.
23 MR. JAFFREE: Let me object. You're

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<p>1 turning this into</p> <p>2 cross-examination like --</p> <p>3 MS. NELSON: Well, it is</p> <p>4 cross-examination. What do you</p> <p>5 think I'm doing here?</p> <p>6 MR. JAFFREE: It's a deposition to</p> <p>7 find out information, and you</p> <p>8 won't take your answer for it.</p> <p>9 You keep badgering her. She's</p> <p>10 telling you the same answers,</p> <p>11 and you're trying to get an</p> <p>12 answer that you want.</p> <p>13 MS. NELSON: I'm just trying to get</p> <p>14 the truth.</p> <p>15 MR. JAFFREE: You're harassing the</p> <p>16 witness here.</p> <p>17 THE WITNESS: Ma'am, I am telling</p> <p>18 the truth. I told it then, and</p> <p>19 I'm telling it now.</p> <p>20 (Defendants' Exhibit 35 was marked</p> <p>21 for identification.)</p> <p>22 Q. I want to show you what's Defendants' Exhibit</p> <p>23 Number 35. This is a copy of the ticket to</p>	<p>1 me. You were charged with a major offense of</p> <p>2 violating a Dothan personnel rule and</p> <p>3 regulation in the handling of that ticket; is</p> <p>4 that correct?</p> <p>5 A. Yes.</p> <p>6 Q. That you 3-42(6); is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. And you talked several times about the</p> <p>9 Appellate Court of Appeals. I think I saw</p> <p>10 you've got that opinion, but I've got it</p> <p>11 here. Have you read that opinion?</p> <p>12 A. Yes. It's been awhile back, but I read</p> <p>13 it.</p> <p>14 (Defendants' Exhibit 36 was</p> <p>15 marked for identification.)</p> <p>16 Q. I've probably marked this one up but --</p> <p>17 MR. JAFFREE: Let me, for the</p> <p>18 Record --</p> <p>19 MS. NELSON: I'm just going to</p> <p>20 introduce this.</p> <p>21 MR. JAFFREE: I'm going to object to</p> <p>22 any questions about that Court</p> <p>23 of Appeal's opinion. It's</p>
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<p>1 Stephen Phelps, written by Eric Duhaime. Do</p> <p>2 you "void" on there anywhere?</p> <p>3 A. No, ma'am.</p> <p>4 Q. Do you think that Officer Duhaime is going to</p> <p>5 support your testimony, that he told you to</p> <p>6 void the ticket -- that he had voided the</p> <p>7 ticket?</p> <p>8 A. I don't know what Officer Duhaime would tell</p> <p>9 you. I believe he testified at my hearing</p> <p>10 that he voided the ticket.</p> <p>11 MR. JAFFREE: I think that was</p> <p>12 testimony. At best, you've got</p> <p>13 a fact issue here. May be left</p> <p>14 to a jury to determine who is</p> <p>15 telling the truth.</p> <p>16 MS. NELSON: Well, according to you,</p> <p>17 we cant count this anyway.</p> <p>18 MR. JAFFREE: According to me or</p> <p>19 according to her testimony.</p> <p>20 MS. NELSON: According to you.</p> <p>21 MR. JAFFREE: I'm not quite sure the</p> <p>22 status of that, but I'm not --</p> <p>23 Q. You were charged with this offense? Excuse</p>	<p>1 not relevant. It's not even the</p> <p>2 same parties to the case, and</p> <p>3 it's simply legal conclusions</p> <p>4 judicial record.</p> <p>5 MS. NELSON: It's very relevant.</p> <p>6 It's the law of the case as it</p> <p>7 pertains to --</p> <p>8 MR. JAFFREE: I don't think it's the</p> <p>9 law of the case in the federal</p> <p>10 court.</p> <p>11 MS. NELSON: Well, it as, at least,</p> <p>12 as to the charges against her.</p> <p>13 So I mean, I just like --</p> <p>14 Q. You have read this. This is the Appellate</p> <p>15 Court's ruling on --</p> <p>16 A. Yes.</p> <p>17 Q. -- on your appeal of your termination before</p> <p>18 the Dothan Personnel Board up through the</p> <p>19 circuit court; is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. I may have marked on this a little bit. I</p> <p>22 would sort of like to give a clean copy.</p> <p>23 But were you ever questioned by -- you</p>

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1 mentioned Officer Etrass. Were you ever
 2 questioned by the Department of Internal
 3 Affairs as to the handling of the Stephen
 4 Phelps ticket?
 5 A. I don't think so. I mean, I don't -- I don't
 6 recall that. I think it was just Officer
 7 Etrass that questioned me.
 8 Q. Excuse me. Were you aware that -- do you know
 9 if Eric Duhaime was questioned?
 10 A. I don't know.
 11 Q. Do you know if he was disciplined in any way?
 12 A. I'm not sure. I think there was something
 13 about it mentioned in my hearing, but I'm not
 14 sure what it was or if he was. I don't know.
 15 Q. Were you ever questioned by Internal Affairs
 16 about Mary Turner?
 17 A. About what? About the ticket?
 18 Q. About --
 19 A. About this ticket?
 20 Q. About that ticket, about any other issues
 21 regarding Mary Turner?
 22 A. I haven't -- I don't believe I was internally
 23 investigated about the Stephen Phelps ticket.

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1 But when was placed on administrative leave, I
 2 don't know that Sergeant Keith Gray came over
 3 to our office and said that Rickey Stokes or
 4 somebody like that had found out about Mary's
 5 suspension and had got -- I don't know if it
 6 went to the media or where it was went. But
 7 he said it had to have been somebody from our
 8 office. So he started questioning us
 9 individually, and that if we didn't cooperate,
 10 that we could -- if he thought we were lying,
 11 he could give us a lie detector. And if we
 12 refused, we could be guilty of
 13 insubordination.
 14 Q. And who said this to you?
 15 A. Sergeant Keith Gray.
 16 Q. Within anybody else present?
 17 A. No. Just he and I.
 18 Q. At that time, Mary Turner had been suspended?
 19 A. Yes.
 20 Q. Do you know what she had been suspended for?
 21 A. The only thing that we were told, Judge Gordon
 22 told us that it had something to do with a
 23 traffic ticket. And the only time I knew

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1 exactly what it was whenever Officer Etrass
 2 interviewed or questioned me. I didn't even
 3 know who was assigned to her stuff.
 4 Q. Were you ever present in court when a Brady
 5 (sic) Phelps was called to court and he
 6 appeared with his lawyer; and they raised the
 7 question as to whether Mary Turner was
 8 supposed to have taken care of his ticket?
 9 A. I don't recall.
 10 Q. You've never heard that?
 11 MR. JAFFREE: The question was, were
 12 you present in court?
 13 A. I don't recall if I was present in court at
 14 the time. I've worked court several times, so
 15 I couldn't tell you.
 16 Q. Was that discussed with Mr. Phelps came to
 17 court and he and his lawyer made that known?
 18 A. I don't have -- I don't have any recollection
 19 of that. I couldn't tell you if I was working
 20 court or not.
 21 Q. I didn't say working court?
 22 A. You asked me if I was present in court when
 23 that happened.

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1 Q. Besides being present in court, was it
 2 discussed among the magistrates that Brady
 3 Phelps and come to court and raised that in
 4 open court, whether Brady or his lawyer raised
 5 it in open court that Mary Turner was supposed
 6 to have taken care of his ticket?
 7 A. I don't recall that. I didn't know much about
 8 any of that until we started -- that stuff
 9 started coming out in my hearing.
 10 Q. And you didn't know that that had anything to
 11 do with the reason that Mary Turner had been
 12 suspended and terminated?
 13 A. I did when Officer Etrass questioned me.
 14 Q. But prior to that --
 15 A. No.
 16 Q. -- you had no knowledge --
 17 A. No, ma'am.
 18 Q. -- of the Brady Phelps issue?
 19 A. No.
 20 The Bradley Phelps or Brady Phelps?
 21 Q. Bradley. Bradley Phelps?
 22 A. No, I don't -- no.
 23 Q. If I've been saying Brady, I meant Bradley.

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